

## **DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 2004**

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**WEDNESDAY, MARCH 12, 2003**

U.S. SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

The subcommittee met at 9:35 a.m., in room SD-138, Dirksen Senate Office Building, Hon. Mike DeWine (chairman) presiding.  
Present: Senators DeWine and Landrieu.

### **DISTRICT OF COLUMBIA**

#### **COURTS**

**STATEMENT OF ANNICE M. WAGNER, CHIEF JUDGE, DISTRICT OF COLUMBIA COURT OF APPEALS, CHAIRMAN OF THE JOINT COMMITTEE ON JUDICIAL ADMINISTRATION**

**ACCOMPANIED BY ANNE WICKS, EXECUTIVE OFFICER FOR THE D.C. COURTS**

#### **OPENING STATEMENT OF SENATOR MIKE DEWINE**

Senator DEWINE. Good morning. The hearing will come to order.

Today I am convening the first fiscal year 2004 budget hearing for the District of Columbia. Just 3 weeks ago, the President signed the fiscal year 2003 omnibus appropriations bill into law. That bill contained, of course, the fiscal year 2003 District of Columbia appropriations bill along with the other ten remaining appropriations bills.

Senator Stevens deserves high praise for completing these bills after taking the Chairman's gavel on January 15. He has recently expressed his desire and his intent to complete Senate action on all 13 appropriations bills by the August recess.

With that charge, we are forging ahead in this subcommittee to review the fiscal year 2004 budget submissions of each Federal agency, as well as Mayor Williams' budget priorities. I want to take this opportunity to commend Senator Landrieu, who will be joining us in just a moment, our subcommittee's Ranking Member and the former chairman of this subcommittee, for her past leadership as the Chairman of the committee, and to recognize her very hard work to make life better for the residents of the District of Columbia.

Over the years, Senator Landrieu and I have worked together to do many things on this subcommittee, but particularly to try to protect the interests of children in this city. And I am sure that we

will continue to reach across the aisle in that endeavor. It is a real pleasure to work with Senator Landrieu. We have operated this subcommittee on a bipartisan basis. She did that when she was the Chairman; and I intend to continue to do that during the time that I am chairman.

Today, as we begin our fiscal year 2004 hearings, I would like to share some Federal funding priorities that I currently see for our Nation's Capital. First, I intend to ensure that the requirements of the Family Court Act, which Senator Landrieu and I sponsored, continue to be aggressively pursued. In fiscal year 2002 and fiscal year 2003, we appropriated a total of \$48 million to support the Family Court. Today we are anxious to hear how the Court has used its fiscal year 2002 funds and how it is planning to use its recently appropriated fiscal year 2003 funds.

Having focused for the past 2 years on the Family Court, this year we intend to turn our attention to an agency with which the Family Court frequently interacts, the Child and Family Services Agency. This is the agency, of course, that is responsible for helping children in the District obtain permanent homes. We plan to hold a series of hearings over the next few months to determine the status of the foster care system in the city and to explore ways to improve adoption opportunities for youngsters in this system.

And let me just say that we have a series of hearings that are planned. We will take whatever time that is necessary during the next several years to fully understand and explore what is going on in this system. This will be the No. 1 priority of the subcommittee for the next 2 years. And we will take the time, and we will put the energy into it, whatever is necessary.

In addition to pursuing the Family Court's objectives and improving the foster care system, I want to ensure that efforts to construct the biodecontamination and quarantine facilities at Children's Hospital and Washington Hospital Center continue to proceed. In last year's budget, Senator Landrieu and I prioritized this and set aside money to work in this area.

In the event of a biological, chemical, or high-yield explosive attack, these two hospitals will provide critical care to children and adults living in and visiting our Nation's Capital. They must be equipped to deal with the consequences of terrorist attacks. We provide resources to begin this activity. We provided resources to begin this activity in fiscal year 2003. And we must make sure that we continue this work.

We also would like to build on the \$50 million fiscal year 2003 Federal investment in the city's combined sewer overflow project. This multi-year project will revamp a system that was constructed at the end of the 19th Century, and which overflows 50 to 60 times every year, dumping raw sewage into the Anacostia River. Given the demands the Federal Government places on this system, we clearly have a responsibility to contribute to its much-needed renovations. If we can share the cost of this project with the city, we would shorten the completion time from 40 to 15 years.

By cleaning up the river, we would expedite the city's proposed waterfront development initiative. This development would ultimately provide recreational and commercial opportunities for D.C. residents and visitors.

Clearly, there are many worthy activities which will place demands on the always limited resources in the D.C. appropriations bill. So today we will begin to discuss those funding needs by listening to testimony from the District of Columbia Courts and the Court Services and Offender Supervision Agency. Under the Capital Revitalization and Self-Government Improvement Act of 1997, of course, the Federal Government is required to finance the District of Columbia Courts and CSOSA.

As I mentioned earlier today, I want to hear how the Family Court has used its fiscal 2002 funds and how it is planning to use its recently appropriated fiscal year 2003 funds. And as we discussed, these have been two very top priorities for both Senator Landrieu and myself.

We would also like to learn what progress the Court is making in meeting its objectives of: (1) implementing one family, one judge; (2) hiring experienced and qualified judicial officers; (3) providing training for judges and all staff; (4) ensuring accountability of attorneys, judges, and staff; (5) providing better technology to cases; (6) initiating alternate dispute resolution; and (7) providing better facilities to provide a safe, family-friendly environment.

The Courts have requested \$193 million for fiscal year 2004. This is \$32 million more than fiscal 2003 enacted levels and \$30 million more than President Bush's budget request. I would like to hear from our witnesses how the Courts plan to use these additional resources and how this increase will contribute to the success of the Family Court, as well as the operations of the Superior Court and the Court of Appeals.

We are particularly interested to learn how the Courts' facilities plan will be implemented and the time line, the time line for completion of these important Capital projects. These Capital projects will play a key role in providing a safe, family-friendly environment, as required by the Family Courts Act.

The Court Services and Offender Supervision Agency has requested \$166.5 million for fiscal year 2004, which is an increase of \$11 million over fiscal year 2003 enacted level and the same as the President's budget request. Again, we would like to hear how these additional resources will be used to further the agencies' mission and goals.

Witnesses will be limited to 5 minutes for their oral remarks. Copies of your written statements will be placed in the record in their entirety.

Let me now turn to the Ranking Member of the committee, a person who I have enjoyed serving with and the former chairman of this committee, Senator Landrieu.

Senator Landrieu.

#### STATEMENT OF SENATOR MARY L. LANDRIEU

Senator LANDRIEU. Thank you, Mr. Chairman. I am looking forward to working with you and starting out this year. And I welcome our witnesses this morning from our Federal agencies, particular the D.C. Courts, the Court Services and Offender Supervision Agency. You all represent the core of the District's appropriations bill and the center of our attention this morning.

As you all know, the subcommittee and the whole Congress exercises a distinct function given the unique position of the District, not being a State and having a special designation as a district. We take that responsibility very seriously. And even with our limited resources, we are going to do our very best in that regard.

I would just like to take a moment, Mr. Chairman, if I could, to briefly review some of the accomplishments of last year and then talk about one or two specific areas of promise that I see in the year ahead.

First of all, I think the Chairman and I worked very well together to help the District to secure emergency preparedness funding in this very difficult time. Every study we have shown and both of our experiences on other committees, particularly my experience as the former chair of the Emerging Threats Subcommittee of Armed Services, leads me to believe that the District is, unfortunately, the No. 1 target in the United States for terrorism. The District of Columbia and New York continue, unfortunately, to hold that designation. And so this committee takes very seriously our responsibility in terms of continuing to try to support the District in its defenses against terrorism and standing up its emergency preparedness.

Strengthening public schools and working with the District to promote more school choice through charters is something I believe that we made a major step and accomplishment in last year, particularly with the Chairman's help supporting our children and families and standing up this Family Court, as we now engage to see where we stand in that effort. That was truly an accomplishment, one we are proud of and one we look forward to continuing to work on as we strengthen the child welfare system in the District as it experiences great challenges, as does almost every major city, and in many communities in the United States.

I also think, as the Chairman just mentioned, of our efforts, as much as we can be supportive, of revitalizing neighborhoods, particularly the Anacostia region with the revitalization of the river. And it is going to take a strong Federal commitment to help the District in that endeavor. But as the Chairman outlined, the economic benefits to this region are pretty substantial and quite exciting.

So I am happy to be working in those four areas. I want to say publicly that I share the Mayor's goal of trying to increase this city's population. I would imagine that every mayor in the country would like to achieve the same, to have every city growing in its population, as opposed to decreasing. And I share his view that one of the keys to growth of a city is the strength and dynamic nature of a school system. And I look forward to working with him through this committee, perhaps, Mr. Chairman, piloting some real creative opportunities to encourage middle-class families to stay in the District. We can use the schools as a real centerpiece to neighborhood revitalization and economic development, as I think is appropriate and, along those lines, continuing to strive for excellence in all of our schools, and really want to commend the school board for their work in beginning their attempts at reforming special education.

I mentioned our support of the Family Court. That commitment remains strong. And I would just like to say, though, on a more pointed note that I was concerned about—and I think the Chairman shares this concern—about the difference in the originally requested amount for the Courts and then the amount that we are considering today. The request for Capital construction was two-thirds less funding from the first documents that we saw until the hearing today.

I think that in order for us to continue to build confidence in the Congress about the Courts' ability to go through this reform plan, to stand up these new buildings, that we have to be very careful.

I am committed to working with you, as I have in the past as the Chairman of this committee, to ensure that every child in the District has access to justice before the court, and families are strengthened, not made more fragile by the system. I am committed to addressing the resources and management issues of the Family Court, so that we can continue to build confidence in our reform efforts.

#### PREPARED STATEMENT

So with that, Mr. Chairman, I will submit the rest of my remarks for the record and thank you for conducting this hearing and I think that we have made quite a few accomplishments in the areas that I outlined and look forward to a very promising year to come.

Thank you.

[The statement follows:]

#### PREPARED STATEMENT OF SENATOR MARY L. LANDRIEU

I would like to welcome the witness from our Federal agencies, the D.C. Courts and the Court Services and Offender Supervision Agency (CSOSA). You are really the core of the D.C. Appropriations bill and the center of our attention. This Subcommittee exercises the "State" oversight function for the District, similar to how other cities and States interact.

The D.C. Appropriations bill, under my chairmanship last year and continuing with Mr. DeWine, has charted a course to support targeted investments in the District. Congress is partnering with the District by enhancing security and emergency preparedness; strengthening schools and education standards; supporting Family Court and child welfare; revitalizing neighborhoods. These three areas support the D.C. Mayor Anthony Williams' goal to increase the population of the city by 100,000 people in the next 10 years. People want good schools and dynamic, safe neighborhoods.

#### ENHANCING SECURITY AND EMERGENCY PREPAREDNESS

In fiscal year 2002 and fiscal year 2003 the Federal Government committed over \$250 million to equipping and training D.C. first responders, creating a first-rate emergency response plan, and effective evacuation plan. Last year, Senator DeWine initiated an effort to preparing area hospitals to respond to bioterrorism, and I look forward to continuing this year.

#### STRENGTHENING SCHOOLS AND EDUCATION STANDARDS

The first accomplishment from fiscal year 2003, and most important in my mind, is the Federal investment in strengthening successful charter schools in the District and supporting school choice (\$17 million). The District is now increasing access to critical financing to help create great facilities. Now we must look to reforming management of schools and providing more technical assistance for facilities and best practices.

This year I would like to explore with Chairman DeWine a partnership with the District to create "community building charter schools". These schools would be a

model for educational advancements and really be a community center for the neighborhood.

#### SUPPORTING THE FAMILY COURT IN THE DISTRICT AND REFORMING CHILD WELFARE

I am proud that this Committee ensured that the District received sufficient funding for the new Family Court. In fiscal year 2002 \$23.3 million was appropriated and fiscal year 2003 followed up with \$29.6 million for new staff and capital improvements. I do have some questions as to how the Courts have implemented the Family Court Act with these funds, but it is clear Congress has vigorously supported this new court.

This year, I understand Chairman DeWine is interested in working on child welfare. I support this endeavor and believe we can use the District as a model for reforming the broken systems in so many other States (e.g. California, New Jersey). Recently, I was discussing how States are adhering to the Adoption and Safe Families Act (ASFA), and the District of Columbia was mentioned as a model for an excellent plan. Now, we must work on implementation and adequate resources.

#### REVITALIZATION OF NEIGHBORHOODS

In fiscal year 2003 we invested in clean-up of the Anacostia River and development of parks and recreation (\$55 million). The development of the waterfront spurs economic development and revitalizes neighborhoods, like SW Waterfront and former D.C. General Hospital campus. I will continue to make a priority of cleaning the river, creating beautiful parks and recreation opportunities, and revitalizing communities.

In this hearing we will discuss the budget requests of the D.C. Courts and CSOSA. I am very concerned about the Courts' ability to budget and manage its resources. The Courts originally requested \$293.2 million for fiscal year 2004; then 2 days before the hearing, the Courts and GSA determined that two-thirds less funding than originally requested for Capital Construction would be necessary. The Courts' revised request reduced the Capital Construction request from \$145.6 million to \$46.9 million. The total revised request is \$194.5 million. The Senate has fought for additional funding for the Courts, especially to improve facilities. I am concerned that the Courts do not know what they need and don't know how to support the request. This approach is not helpful.

I am committed to working hand-in-hand with the Courts and the City to ensure that every child currently in the system benefits from Family Court Reform and does not suffer the fate of too many children that have been failed. Committed to addressing resource and management issues of the Family Court and ensure funding is expended well.

The mission of the Court Services and Offender Supervision Agency is varied, but the purpose is to ensure public safety while also helping District residents re-enter their community. CSOSA supervises approximately 15,900 offenders, 8,000 defendants at any given time. I commend CSOSA for reducing caseloads from over 100, before the Revitalization Act, to current levels of 56 cases under general supervision. Additionally, I encourage the investment to reduce caseloads further to 50 cases per officer in fiscal year 2004. I am also interested in the specific steps the agency is taking to minimizing recidivism, such as the drug treatment options and the Faith-based Initiative.

I am particularly happy to see that the Public Defender Service is continuing your rigorous training program for court-appointed attorneys. I look forward to hearing about representation your agency provides to juveniles with disabilities in the delinquency system. We would appreciate your views on how the special education system serves delinquent juveniles.

I appreciate your attendance today and look forward to your testimony. Thank you.

Senator DEWINE. Senator Landrieu, thank you very much.

Let me introduce very briefly our first panel. Judge Wagner is the Chief Judge of the District of Columbia Court of Appeals and Chair of the Joint Committee on Judicial Administration. Accompanying Chief Judge Wagner for questions is Ms. Anne Wicks, Executive Officer of the D.C. Courts. We welcome both of you today. Thank you very much.

The Honorable Rufus King is the Chief Judge of the Superior Court of the District of Columbia. Accompanying Chief Judge King

for questions today is the Honorable Lee Satterfield, presiding judge of the Family Court of the Superior Court of the District of Columbia. We welcome both of you.

We have received your written testimony. We would ask you just to summarize. And we would ask both of you to confine your opening statement to 5 minutes and just summarize what you think is the most important thing for us to know. As I have said, we do have your written statement, and we will take that into consideration. And then we will go to questions.

Thank you very much.

Judge Wagner.

#### STATEMENT OF ANNICE M. WAGNER

Judge WAGNER. Good morning, Mr. Chairman, Senator Landrieu. I want to first of all thank you for allowing us the opportunity to discuss the fiscal year 2004 budget request of the District of Columbia Courts. I am appearing as Chair of the Joint Committee on Judicial Administration which submits the budget and is responsible for that by statute.

Of course, I can only highlight what it is that we want to do. But I think a backdrop is important. Unquestionably, we live in a new environment facing new challenges to our Nation, our Nation's Capital, and our court system. But whatever challenges we face, the fair and effective administration of justice remains crucial to our way of life in America.

The District of Columbia Courts are committed to meeting these new challenges. We have been steadfast in our mission, which is to administer justice fairly, promptly, and effectively. At the same time, we have been enhancing our security systems and emergency preparedness activities in order to protect all people who come in our courts and to ensure continuity of operations in a challenging environment.

We are undergoing significant changes to meet the challenges of new technologies and working to provide the Courts of the jurisdiction with a sound infrastructure. The Courts are committed to continued fiscal prudence and sound fiscal management. Through our strategic goals, the Courts do strive to provide fair, swift, and accessible justice, enhance public safety, and ensure public trust and confidence in our justice system.

I wish to mention that we do appreciate the support that this subcommittee has given us, which makes possible the achievements of our goals for this community.

To support our mission and strategic goals in fiscal year 2004, the D.C. Courts submitted a request for \$293 million for Court operations and Capital improvements. I hasten to add that we have alerted you that there may be a need to revise the Capital improvements request because of new developments with the General Services Administration.

The original amount of our capital budget included the estimated full project costs, because we were originally informed by our partners, GSA, that full funding was required at the beginning of the projects. It is our understanding that this has been altered, the acquisition approach has been altered, thereby changing the cash flow requirements for the next fiscal year.

It was only this past Monday that we were informed that we may no longer require full construction funding in fiscal year 2004. Therefore, it is important for the Courts to have an opportunity to confer with GSA officials and determine the impact of these changes on the cost and the schedule of these projects in order to provide this subcommittee with the best information available. It would be helpful if you would permit us a very brief period to do that and then to get back to you on this particular aspect of our budget request.

To build on past accomplishments and to support essential services to the public in the Nation's Capital, investment in technology, security, infrastructure, and strategic management are essential priorities in 2004. Only by investing in these critical areas will we be in a position to ensure that information technology is capable of meeting today's demands and that the type of security necessary to protect our citizens and our institution are in place and that our facilities are safe, healthy, and reasonably up to date.

The D.C. Courts operate within four separate buildings in Judiciary Square. Maintenance and modernization to these buildings is quite costly. And the Courts' capital budget has not been adequate to meet these needs in the past. Fundamental costs to bring these facilities up to par have been quantified in a recently completed building evaluation report prepared for the Courts by the General Services Administration. The capital budget request would include funds to meet these needs.

The capital budget request does reflect the significant research, analysis, and planning incorporated in the D.C. Courts' first-ever master plan for the D.C. Courts' facilities. In the master plan process, GSA analyzed the Courts' current and future space needs, particularly in light of the significantly increased space needs of the Family Court.

The key element for meeting the Courts' space needs is the restoration of the Old Courthouse to house the D.C. Court of Appeals, which would move out of the Moultrie Building, thereby making additional space available in the Moultrie Courthouse for the Superior Court to accommodate the Family Court and other operations.

I will only mention, and I will not even develop it, but just to say that in addition to our master space plan, on which we are prepared to answer questions, I should mention that our funding is directed toward enhancing public safety, investing in information technology, and investing in accurate and complete trial records. And you have the exact amounts that we are requesting for this. In addition, we have requested funding for attorneys who provide legal services to the indigents to increase their hourly rate to \$90.

#### PREPARED STATEMENT

I will conclude now, Mr. Chairman and Senator Landrieu. We have long enjoyed, at the District of Columbia Courts, a national reputation for excellence. We are proud of the Courts' record of administering justice fairly, accessibly, and in a cost-efficient manner. Adequate funding for the Courts' critical priorities in 2004 is essential if we are to continue to provide high-quality service to the community in the future.



We do look forward to working with you throughout the appropriations process. And thank you for this opportunity to appear before you today. We will be prepared to answer your questions on the items that you mentioned.

[The statement follows:]

#### PREPARED STATEMENT OF ANNICE M. WAGNER

Mister Chairman, Senator Landrieu, thank you for this opportunity to discuss the fiscal year 2004 budget request of the District of Columbia Courts. I am Annice Wagner, and I am appearing in my capacity as the Chair of the Joint Committee on Judicial Administration in the District of Columbia and Chief Judge of the District of Columbia Court of Appeals. As you know, the Joint Committee is the policy-making body for the District of Columbia Courts. By statute, its responsibilities include, among others, general personnel policies, accounts and auditing, procurement and disbursement, management of information systems and reports and submission of the annual budget request to the President and Congress for our court system. We are a two-tier system comprised of the D.C. Court of Appeals, our court of last resort, and the Superior Court of the District of Columbia, a trial court of general jurisdiction, which includes our Family Court. Administrative support functions for our Courts is provided by what has come to be known as the Court System.

On behalf of the D.C. Courts, the Joint Committee has submitted a detailed request for the budgetary resources essential to the administration of justice in fiscal year 2004. My remarks this morning will summarize the request and highlight our most critical priorities. With me this morning are Chief Judge Rufus King III, the chief judge of our trial court and a member of the Joint Committee, and Ms. Anne Wicks, the Executive Officer for the Courts and Secretary to the Joint Committee. We are prepared to answer questions concerning the budget request for the courts, along with Judge Lee Satterfield, the presiding judge of our new Family Court.

#### INTRODUCTION

Unquestionably, we live in a new environment, facing new challenges to our Nation, our Nation's capital and our court system. Whatever challenges we face, the fair and effective administration of justice remains crucial to our way of life. The District of Columbia Courts are committed to meeting these new challenges. We have been steadfast in our mission, which is to administer justice fairly, promptly, and effectively. At the same time, we have been enhancing our security systems and emergency preparedness activities in order to protect all of the people who come to our courts and to ensure continuity of operations in a challenging environment. We are undergoing significant changes to meet the challenges of new technologies and working to provide for the courts of this jurisdiction a sound infrastructure. The Courts are committed to continued fiscal prudence and sound fiscal management. Through our strategic goals, the Courts strive to provide fair, swift, and accessible justice; enhance public safety; and ensure public trust and confidence in the justice system. We appreciate the support that this Subcommittee has given us that makes possible the achievement of these goals for this community.

To support our mission and strategic goals in fiscal year 2004, the D.C. Courts submitted a request of \$293 million for court operations and capital improvements. In addition, the Courts request \$44,701,000 for the Defender Services account. The operating budget request includes: \$9,271,000 for the Court of Appeals; \$85,800,000 for the Superior Court; and \$52,520,760 for the Court System. Our original submission for capital improvements was in the amount of \$145,621,000. This amount included the estimated full project costs because we had been advised by the General Services Administration (GSA), our partner for capital projects, that full funding was required at the beginning of the projects. It is our understanding that the GSA has altered its construction acquisition approach, thereby changing the cash flow requirements for the next fiscal year. It was only this past Monday that we were informed that GSA may no longer require full construction funding in fiscal year 2004. Therefore, it is important for the Courts to confer with GSA officials and determine the impact of these changes on the cost and schedule of these projects in order to provide the Subcommittee with the best information available. It would be helpful if you would permit us a brief period for that purpose.

The demands on the D.C. Courts require additional resources in fiscal year 2004. To build on past accomplishments and to support essential services to the public in the nation's capital, investment in technology, security, infrastructure, and strategic management are essential priorities. Only by investing in these critical areas will the Courts be in a position to ensure that information technology is capable of meet-

ing today's demands; that the type of security necessary to protect our citizens and our institution are in place; and that our facilities are in a safe and healthy condition and reasonably up-to-date. Focus on these capital areas is particularly critical now to meet each of these needs and to ensure that the quality of justice is not compromised.

The Courts' fiscal year 2004 request is a fiscally responsible budget that continues to build on our achievements. We are particularly proud of our progress with a number of initiatives. These include:

- Implementation of the District of Columbia Family Court Act of fiscal year 2001 (enacted in January 2002). To date, the Courts have developed a detailed implementation plan, hired nine new magistrate judges, initiated space improvements, and transferred the cases of more than 3,000 children to Family Court judges committed to achieving permanent family placements;
- Initiation of the Integrated Justice Information System (IJIS) project, a major capital investment, which will ensure coordinated and efficient case processing and enhance court operations. The IJIS project received a favorable GAO review which included several useful recommendations currently being implemented by the Courts;
- Increased access to justice through community-based initiatives, including the Criminal Division's Community Court and the Domestic Violence Unit's satellite intake office in Southeast Washington. I believe Chief Judge King will be providing more information on these very important court community efforts.
- Development of the first Master Plan for D.C. Courts Facilities, which outlines the Courts' space requirements and provides a blueprint for optimal space utilization, both short-term and long-term;
- Recognition of sound fiscal management practices, by receiving from an independent audit firm, an "unqualified" opinion for the third year in a row in accordance with OMB Circular No. A-133 (Audits of States, Local Governments and Non-Profit Organizations);
- Continued enhancements to the Courts' management of the Defender Services account, through expeditious processing of payments to attorneys representing indigent defendants, major revision of the Courts' plan for the provision of indigent defense, and assumption of responsibility for issuing payment vouchers to CJA attorneys from the Public Defender Service to enable accurate estimation of the Courts' future fiscal obligations;
- Conclusion of an independent study of staffing levels by Booz, Allen and Hamilton that provides data to facilitate the most effective deployment of limited staff as well as a software tool to assist in the determination of necessary staffing levels; and
- Expansion of court-wide strategic planning, business process re-engineering, and implementation of key aspects of the Government Performance and Results Act (GPRA) to ensure that the Courts address critical priorities and issues in a strategic manner to achieve specific and measurable results.

#### CRITICAL FISCAL YEAR 2004 BUDGET PRIORITIES

To permit the Courts to continue to meet the needs of the community and the demands confronting the District's judicial branch, adequate resources are essential. The most critical issue facing the D.C. Courts is sufficient capital funding to address the Courts' critical space shortage and deteriorating infrastructure. Unless addressed, the functional capability of the Courts will decline and the quality of justice in the District of Columbia will be compromised. The Courts' fiscal year 2004 request addresses these requirements by:

*Investing in Infrastructure.*—The D.C. Courts operate within four separate buildings in Judiciary Square. Maintenance and modernization to buildings of this age are quite costly, and the Courts' capital budget has not been adequate to meet these needs. Fundamental costs to bring these facilities up to par have been quantified in a recently completed Building Evaluation Report prepared for the Courts by GSA. The capital budget request of the Courts includes funds to meet these needs.

The Courts' capital budget also reflects the significant research, analysis, and planning incorporated in the D.C. Courts' first-ever Master Plan for D.C. Courts' Facilities. In the master plan process, GSA analyzed the Courts' current and future space needs, particularly in light of the significantly increased space needs of the Family Court. A key element to meeting the Courts' space needs is the restoration of the Old Courthouse to house the D.C. Court of Appeals, thereby making additional space available in the Moultrie Courthouse for the Superior Court to accommodate the Family Court and other court operations.

The restoration of the Old Courthouse is projected to total \$84 million. The centerpiece of the historic Judiciary Square area, the Old Courthouse is one of the oldest buildings in the District of Columbia. Inside the Old Courthouse, Daniel Webster and Francis Scott Key practiced law, and John Surratt was tried for his part in the assassination of President Abraham Lincoln. The architectural and historical significance of the Old Courthouse, built from 1821 to 1881, led to its listing on the National Register of Historic Places and its designation as an official project of Save America's Treasures. The structure is uninhabitable in its current condition and requires extensive work to meet health and safety building codes. Restoring this historic landmark will meet the urgent space needs of the Courts and preserve its rich history for future generations.

The Courts' capital budget also includes a total of \$52.3 million for the Moultrie Courthouse Expansion, additions planned for the south side (C Street) and Indiana Avenue entrance of the courthouse. The C Street addition will complete the facilities for the Family Court, providing a separate courthouse entrance for the Family Court, child protection mediation space, increased Child Care Center space, and safe and comfortable family-friendly waiting areas. The addition also will permit the consolidation of Family Court related operations, to include the Social Services Division (the District's juvenile probation operation) and District government social service agencies that provide needed services to families and children in crisis. A portion of the addition will meet critical space needs for Superior Court operations.

*Enhancing Public Security.*—The main courthouse, the Moultrie Building, is one of the busiest in this city. It is reported that as many as 10,000 people come into this building daily. In order to address issues affecting the security of these thousands of individuals in the aftermath of September 11, 2001, the Courts request \$1,025,413 to finance additional operational security measures, and \$6,500,000 in capital funding to finance facility security improvements.

*Investing in Information Technology (IT).*—To achieve the Courts' goal of a case management system that provides accurate, reliable case data across every operating area and of making available appropriate data to the judiciary, the District's child welfare and criminal justice communities and the public, the Courts request \$4,163,347 in operating funds in fiscal year 2004 for IT infrastructure enhancements and operational upgrades and implementation of the disciplined processes GAO recommends for the IJIS project. In addition, the Courts' capital budget request includes an additional \$11 million to continue implementation of IJIS courtwide.

*Expanding Strategic Planning and Management.*—To support long-range strategic planning and targeted organizational performance measurement and assessment at the Courts, \$615,000 is requested for an Office of Strategic Management. This request would enable the Courts to build on the current strategic planning effort by coordinating enterprise-wide projects and enhancing the performance measurement capability of the Courts. The funds would finance performance management software, training of personnel, and staff to collect and analyze performance data, prepare reports, and perform strategic planning, and coordination function.

*Investing in Human Resources.*—To help the Courts attract, develop, and retain highly qualified employees and address the projected retirement of a large proportion of our most experienced personnel (25 percent of the Courts' workforce, and 50 percent of those in top management positions, are eligible to retire within the next 5 years), \$675,000 is requested for succession planning, leadership development, and additional employee benefits.

*Serving the Self-Represented.*—To enhance equal access to justice for the more than 50,000 litigants without lawyers who come to the courthouse each year, \$1,212,000 is requested for staff and space to establish a self-representation service center. This initiative would use best practices and build on plans for informational kiosks, funded in fiscal year 2003, and very limited pro bono services currently available.

*Investing in Accurate and Complete Trial Records.*—The Courts' fiscal year 2004 request includes \$1,624,000 to improve the production of the record of court proceedings. Accurate and complete court records are critical to ensure a fair trial and to preserve a record essential for appeal to the highest level. The request includes \$880,000 to enhance the Courts' digital recording capabilities in the Courts' 80+ courtrooms and \$744,000 for 12 additional court reporters.

*Strengthening Defender Services.*—In recent years, the Courts have devoted particular attention to improving the financial management and reforming the administration of the Defender Services accounts. For example, the Courts significantly revised the Criminal Justice Act (CJA) Plan for representation of indigent defendants and issued Administrative Orders to ensure that CJA claims are accompanied by adequate documentation and that highly qualified attorneys participate in the pro-

gram. The Courts have assumed from the Public Defender Service responsibility for issuing vouchers to attorneys. This will enable the Courts to estimate more accurately program obligations and project budgetary requirements. The Courts request \$88,000 in the fiscal year 2004 operating budget to build on these initiatives and exert greater management control over Defender Services.

In the Defender Services account, the Courts have requested additional funds to increase the hourly rate for attorneys who provide legal services to the indigent. The first rate increase for attorneys in nearly 10 years, to \$65/hour, was implemented in March 2002. In fiscal year 2004 the Courts request an increase from \$65 to \$90 an hour, to keep pace with the rate paid court-appointed attorneys at the Federal courthouse across the street from the D.C. Courts.

Slightly over \$16 million of the fiscal year 2003 enacted level for Defender Services was financed from the account's unobligated balance. Accordingly, the Courts request restoration of the base appropriations, as well as additional funding to finance the attorney compensation increase in fiscal year 2004.

#### APPROPRIATIONS LANGUAGE CHANGES

In the fiscal year 2004 budget submission, the Courts request two language provisions to enhance their ability to serve the public in the Nation's Capital. First, the Courts request limited authority to transfer funds among our four appropriations to enhance financial management of the Federal Payment appropriation. This language is similar to the provision in the D.C. Appropriations Act, 2002, Sec. 109(b) authorizing the District government to transfer local funds. Second, the request includes language to permit the Courts to appoint and compensate counsel in adoption cases to protect the rights of parents and children, to facilitate a careful examination of factors designed to ascertain the best interests of the child, and to ensure the finality and permanency of the adoption.

#### CONCLUSION

Mister Chairman, Senators, the District of Columbia Courts have long enjoyed a national reputation for excellence. We are proud of the Courts' record of administering justice in a fair, accessible, and cost-efficient manner. Adequate funding for the Courts' fiscal year 2004 priorities is critical to our success, both in the next year and as we implement plans to continue to provide high quality service to the community in the future. We look forward to working with you throughout the appropriations process, and thank you for the opportunity to discuss the fiscal year 2004 budget request of the Courts.

Chief Judge King, Judge Satterfield, Anne Wicks, and I would be pleased to address any questions.

Senator DEWINE. Thank you. We will hold our questions until Judge King has a chance to give his statement.

Judge King.

D.C. SUPERIOR COURT

**STATEMENT OF RUFUS KING, III, CHIEF JUDGE, SUPERIOR COURT OF  
THE DISTRICT OF COLUMBIA**

**ACCOMPANIED BY LEE SATTERFIELD, PRESIDING JUDGE, FAMILY  
COURT OF THE DISTRICT OF COLUMBIA**

Judge KING. Thank you. Good morning, Chairman DeWine and Senator Landrieu. I appreciate the opportunity to join Chief Judge Wagner in presenting the D.C. Courts' 2004 budget request to the subcommittee and to review some of the Courts' accomplishments in the last year. At the outset, let me thank both of you and the subcommittee as a whole for your generosity with your time, your consideration, and the necessary funding for a number of shared objectives. It is a pleasure to have such a positive working relationship with the committee.

I want to underscore all that Chief Judge Wagner said about the Courts' needs, especially regarding capital. To function effectively, and especially to implement the Family Court Act in a manner both timely and consistent with its highest purposes, the Court needs to have adequate facilities and a level of information technology that supports its efforts.

I will review just very briefly a couple of things the Court has done. And then I will be happy to answer questions.

On October 30, the Superior Court officially opened the first satellite Domestic Violence Intake Center in the Nation. This center allows domestic violence victims to seek protection in their own neighborhood without saddling us with the crippling cost of operating a duplicate court, by use of video technology. We can video transmit the appearance to the courthouse where the judge can act on the petition for a temporary protective order.

Having reviewed with Court officials the very promising community courts in Manhattan and in Red Hook, New York, we have opened two such courts in the Superior Court, the first for minor misdemeanors and traffic cases. It takes all of those cases and seeks to resolve them at a first court appearance, reducing drastically the need for indigent defense funds for additional court resources and police overtime due to excessive court appearances.

The other community court is one that is based in the Sixth Police District in Anacostia. It serves to address all of the misdemeanors arising in that jurisdiction with some very few exceptions. The Court has partnered with the D.C. Department of Employment Services, the Pretrial Services Agency, and others to fashion remedies which, again, address the causes, the underlying issues and causes, that bring people before a criminal court. That project, which is operating now on a pilot basis, is showing early promise of being very successful.

In the Family Court, the Court has hired all of the new magistrate judges that were specified in the act. We have sought appointment of the three additional judges. They are now pending before the Senate. Judge Satterfield, working with Court officials and stakeholders, has overseen the transfer of more than 3,000 neglect and abuse cases back to judges within that court. He has established new rules, procedures, and attorney practice standards, which I signed into effect several weeks ago. He set up attorney panels for abuse and neglect cases, so that that bar will now be regulated and reviewed more carefully, held numerous training sessions for judges and magistrate judges, and a cross-training for judges, attorneys, social workers, and others involved in the Family Court operations.

We have opened the Mayor's Services Liaison Center to increase coordination of services to children and families and make them more readily available. We have trained new judges and will continue to train new judges. And we have met all deadlines for reporting to Congress which are required under the act.

We have begun implementing a policy of one family, one judge. A Family Court judge handling a neglect or abuse case of one family member also handles all cases involving that family relating to abuse, neglect, custody, guardianship, termination of parental rights, civil/domestic violence, post-adjudication juvenile cases, and adoption cases filed after June 2002. All other family matters involving that family will be heard by the same judge or team at the conclusion of the second phase of implementation, which is now in progress.

The conversion to an integrated justice information system has advanced on schedule. We now are working with a contractor with the first segment set to go live in the Family Court in July of this year. That system will be compatible with all of the other city agencies, so that we can operate effectively with them. I have with me today Mr. Ken Foor, our IT director, in case there are any questions that go beyond my competence.

#### PREPARED STATEMENT

The Family Court Act presents the Court with a rare opportunity to bring about better results for children and families in the District of Columbia, an opportunity that we at the Court enthusiastically welcome.

Mr. Chairman, Senator Landrieu, thank you both for the opportunity to testify here today. We will be happy to answer questions. [The statement follows:]

#### PREPARED STATEMENT OF RUFUS KING, III

Good afternoon Chairman DeWine and Senator Landrieu. I appreciate the opportunity to join Chief Judge Wagner in presenting the D.C. Courts' 2004 budget request to the subcommittee and to review some of the Superior Court's accomplishments over the past year. At the outset, let me thank the subcommittee as a whole, and especially the Chairman and the Ranking Member, for their support of the Courts, our employees, and those we serve. You have been generous with your time, your consideration and the necessary funding for a number of shared objectives. It is a pleasure to have such a positive working relationship.

I want to underscore all that Chief Judge Wagner said about the Courts' needs, especially regarding capital. To function effectively, and especially to implement the Family Court Act in a manner consistent with its highest purposes, the court needs

to have adequate facilities and a level of information technology that supports its efforts.

I would like to review some of the accomplishments of the Superior Court over the past year. We established a first-of-its-kind satellite domestic violence intake center; set up a community court to handle all minor misdemeanor and traffic cases; established a pilot community court for the Sixth Police District to address a broader range of crimes in a more holistic manner; and moved ahead aggressively to implement the Family Court Act. There is still a lot to be done in all these areas, but we have made great strides in making the Superior Court a more open, responsive, effective organization.

#### DOMESTIC VIOLENCE INTAKE CENTER

On October 30, the Superior Court officially opened the first satellite Domestic Violence Intake Center in the Nation, in partnership with police, prosecutors, defense attorneys and victim advocates. The Center allows domestic violence victims to petition for a Temporary Protection Order (TPO) via web-camera to a judge in the courthouse; the judge then issues the TPO by fax. The Center is located in Southeast, where more than 60 percent of those alleging domestic violence reside. Victims are thus able to take the initial step towards protecting themselves—obtaining a TPO—in a location that is close and convenient. We hope that by encouraging more victims to come forward more quickly it will help prevent further violence.

#### COMMUNITY COURT FOR MINOR MISDEMEANORS AND TRAFFIC CASES

One of the goals of the Court's Criminal Division has been to address certain types of cases more comprehensively with less focus on processing of cases. Along with other court leaders, I visited and was impressed with New York's Manhattan and Red Hook Community courts. There and elsewhere across the country courts have modified criminal proceedings to see that services were provided, that community service was done in an effort to see the community "paid back" for the damage done to it, and to engage the court in an effort to reduce recidivist behavior. Criminal Division Presiding Judge Noel Kramer spearheaded this effort, working with prosecutors, police, defense attorneys, service providers, and the Downtown Business Improvement District. Together these groups established a courtroom in which defendants charged with "quality of life crimes," such as panhandling or possessing an open container of alcohol, are given very real diversion opportunities on the first day—alcohol education, for instance—and possibly some community service, in exchange for which their case is dropped. This approach has sharply reduced the need for police appearances in the courtroom, more efficiently used indigent defense resources, and resulted in many fewer continuances of cases. The result: in our first year we saw a drop in the number of abscondances (no shows at court hearings, which lead to bench warrants) of over 50 percent in traffic cases and nearly 45 percent in minor misdemeanors.

#### THE 6D COMMUNITY COURT

In addition to her work with the D.C./Traffic Community Court, Judge Noel Kramer has also established on a pilot basis a community court. In consultation with the Metropolitan Police Department, and the U.S. Attorney's Office, the Court established a community court where Judge Kramer hears all phases—from arraignment to disposition—of all misdemeanors arising in the Sixth Police District. Judge Kramer and I as well other court officials have been to numerous crime-prevention and neighborhood meetings in the community to learn more about the concerns residents have, get ideas for how best to address the crime problems, and make them aware of what the court is doing. Judge Kramer has partnered with the D.C. Department of Employment Services, the PreTrial Services Agency and others to fashion diversion opportunities that provide an accused with alternatives to a life of crime and drugs. So far her work has received much praise—from all those involved in the criminal justice system and from the residents of 6D.

#### FAMILY COURT IMPLEMENTATION

Judge Satterfield has led the Family Court through significant changes and overcome some significant obstacles in implementing the Family Court Act of 2001. The Family Court has overseen the transfer of more than 3,000 neglect and abuse cases back to judges within that court; establish new rules, procedures, and attorney practice standards; set up attorney panels for abuse and neglect cases; held numerous training sessions for judges and magistrate judges and a cross-training for judges, attorneys, social workers and others; received input from relevant stakeholders;

opened the Mayor's Liaison Center to increase coordination of services to children and families; trained new judges; and met all deadlines in reporting to Congress as required by the Act.

We have transferred substantially all the neglect and abuse cases that were in review status with judges outside the Family Court to judicial teams in the Family Court. All other cases will be transferred in time to meet the Act's guidelines. We have begun implementing a policy of "one family/one judge". Phase I is fully implemented, so that the Family Court judge handling a neglect case of one family member also handles all cases involving that family relating to abuse, neglect, custody, guardianship, termination of parental rights, civil domestic violence, post-adjudication juvenile cases, and adoption cases later than June 2002. The next phase will be to consolidate all other Family Court cases involving a family before that same judge, including divorce, mental health, pre-adjudication juvenile, and paternity and child support before the neglect judge or judicial team.

The Family Court Act presents the Court with a rare opportunity to bring about better results for children and families in the District of Columbia. We at the court welcome this opportunity and are doing our best to implement the Act according to its letter and its spirit.

Mr. Chairman, Senator Landrieu, thank you both for the opportunity to testify before you today. I am joined by my colleague Judge Lee Satterfield and we would both be pleased to answer any questions you may have.

#### CAPITAL EXPENDITURE

Senator DEWINE. Judge King, thank you very much.

Judge Wagner, your news about the capital expenditure in the request is certainly disturbing. That is quite a shock. The progress in regard to the Family Court has always been predicated on several things, and one has been the capital restructuring and additional space. And we have always been told that, and everyone has always understood that. And now you are telling us that there is going to be apparently a major delay in that. So I am quite shocked by this, frankly, and very, very deeply disappointed. Maybe you can clarify what is going on. I am not sure that I fully understand what in the world is going on here.

Judge WAGNER. Senator, there is—

Senator DEWINE. This is like a bomb that was just dropped. I mean, do we have to bring in GSA and you and have a hearing together?

Judge WAGNER. Senator, first of all, let me say that there are two plans. One is an interim plan, which is essential because the major construction projects are multi-year projects. Secondly, the interim plan is on schedule. I think that Chief Judge King has photographs of the space as it is planned on an interim basis; and so that the Family Court is separate, as you had envisioned it.

Long term, we had to go through a master plan phasing schedule. We are, as you know, working with a partner, which is the General Services Administration, which does these Federal buildings. That master plan phasing schedule is subject to a number of things that have to be done, including, I guess, the procurement processes to secure, first of all, the design, negotiate the award, plan a construction schedule, go through your National Capital Planning Commission.

Now on Monday, it was just this past Monday that we learned that the approach to securing funding for the project might be different. That is, that you would not have to secure all of the funds in advance in order to go forward with alerting the public that you are interested in procuring services. And we were told that they would first want to get the design.



But neither Judge King nor I have had an opportunity to sit down and talk with the officials at GSA to get a better understanding of how this will impact the long-term plan, which, by its very nature, is necessarily long term, because it does involve moving parts of our court which presently exist to other buildings on a temporary basis or on a long-term basis while they work on the various buildings in Judiciary Square.

Chief Judge King might like to add something.

Senator DEWINE. Judge.

Judge KING. Two things: One, we are not going to delay implementation of the family bill. What will be determined by the outcome of our discussions with GSA and ultimately this committee is whether we do it in the facilities that I think all of us had in mind, or whether we are going to be operating in borrowed courtrooms and even temporary space somewhere that we have to do it. We will keep on schedule in implementing the substantive provisions of the act.

That being said, we do have a longer-term plan. And if it would be of interest to you, I could step to the drawings and show you some things, just to show you how we plan to try to move the project along. That is at your pleasure. If not, I would be happy to just——

Senator DEWINE. Senator Landrieu said she would like to see that. That would be fine.

Judge KING. I would be happy to do that.

Senator DEWINE. Now let me just tell everyone, as far as our total time, we have a lot of ground to cover. We need to be out of this room by 10 minutes after 11:00. So we have 1 hour and 5 minutes.

Judge KING. I will take that as an indication to spend at least 45 seconds.

Let me first—you are all, no doubt, by this time, familiar with the general map of the justice campus. You have it right there. If I might approach, that might——

Senator DEWINE. That will be fine.

Judge KING. I do not know if that is ever done. That is the way we do it in court.

Senator DEWINE. That will be fine.

Judge KING. I would ask to approach.

Senator LANDRIEU. Approach the bench.

Senator DEWINE. Keep in mind you have an audience out there who might like to see some things as well though.

Judge KING. I will make it—if I can show you on your map there. The current facilities are in the Moultrie Building. Perhaps you could maybe even track it there. We are moving part of our operations, the landlord-tenant and small claims operation, to Building B. That is underway now. They are now doing the demolition there and beginning the construction. I think that will be occupied by October of this year.

When that is done, the space that is vacated in the Moultrie Building will then be used to add three additional courtrooms and four hearing rooms to round out what we need in the Family Court. Although we do not have any detailed designs at this point, the architects have given us a sort of suggestion of the type of building

we might look for for that. Again, at the end of the long corridor on the JM level in the Moultrie Building will be an entrance way, sort of a pavilion and an information center, which you can see across here, where all the clerks who would address any issue in Family Court will be located. So there will be one place that people come to do that. This is another view from that clerk station, looking back across to the one we just saw here.

I will put these up on the outside over here.

This is another here which shows the children's wing there, which will provide a children-friendly area, a whole host of things. And then over on the other side here will be the referral center where people can go for a referral for services.

Farther along, the additions in space to the Moultrie Building that you heard about in Judge Wagner's testimony, this is a—again, it may not look exactly like this, because this is not a published diagram. They have not designed it this way. This is a quick computer mock-up of how it might look, the kind of things they are talking about doing with the building.

So those are in the interim—the schedule is to have the construction on the Moultrie levels done and occupy them by October of 2004. And that will allow us to begin operating. The final construction of this, which will bring all of the functions back together, it is going to take a little longer. It is estimated at 2005 or early 2006.

We are now operating in courtrooms outside the facility. As it is now, we have to operate in courtrooms in different buildings in order to—

Senator DEWINE. Well, I wonder if we could get back to—and I appreciate that, Judge. I wonder if we could get back, though, to the 2004 capital request, and what does this new information do to your capital request? It is my understanding that this is going to push it back; this new information is going to push back your construction date. And it is going to change, dramatically change, your numbers.

Judge WAGNER. Mr. Chairman, what I am informed is that the change that was mentioned on Monday will change the dollars, when the dollars are needed. It does not actually change the construction schedule. This is what I am informed. But again, neither of us have had an opportunity to sit down with the GSA officials. And that is what we would like you to give us an opportunity to do.

The second thing I want to make sure that is clear is that, as Chief Judge King said, the Family Court construction is fully on schedule. And major renovation on the JM level will be completed by the fall of 2004. So if we get an opportunity to sit with GSA, we are going to provide you with a full and complete presentation on the impact that the change in the funding stream—

Senator DEWINE. Okay. Well, I am hearing two things. I am hearing one thing is that you need to get back to us, which is fine. And we need that, you know, sooner rather than later, because we need the dollar figures as far as what your request is.

Judge WAGNER. Exactly.

Senator DEWINE. But I am also hearing from Judge King that this will change your plan with the Family Court. I thought I

heard Judge King say that we will stay on the same schedule with the Family Court. Basically, we will move in a different direction. We will fulfill the obligation of the Family Court. Instead of doing it the way we wanted to do it with basically a more permanent long-term plan, we are going to go in another direction.

Now is that not what I heard, Judge King?

Judge KING. No. If I gave that impression, I perhaps misspoke. We will keep schedule by doing temporary arrangements that will allow us to continue to move. We do not plan to change the ultimate direction.

Senator DEWINE. Well, but temporary arrangements always cost money.

Judge KING. That is exactly true.

Senator DEWINE. That is always a waste of money.

Judge KING. That is exactly true.

Senator DEWINE. And we do not have—you do not have the money to waste is the problem.

Judge KING. That we have, of course, no control over. The two sources of—

Senator DEWINE. Well, maybe we do.

Judge KING. The two sources of difficulty that we see is: If we delay the access to funds, it can have—it can lead to two sources of delay. First, the—putting out the bids for the actual construction has to be done when it is known that there is money available. Otherwise you cannot really work the market, as I am told. And you cannot really—you cannot have a solid bidding process.

The other thing is that a lump sum that seems unpalatable now is going to get worse if, by not putting funds into the project this year, you wait until next year when other parts come due. So it is sort of like if you have a gas bill due today and you do not pay it and you wait until next month, now you have two gas bills to pay. And it is just a bigger lump.

So we are watchful about those processes. But what I wanted to assure you is that we will do the best we can however this funding issue is resolved. We will keep the schedule to operate the Court. Obviously, I would like to have all the money on schedule and be able to do exactly what—

Senator DEWINE. Well, I am going to turn this over to Senator Landrieu at this point. It seems to me that, out of necessity, we are going to have to have another hearing on the capital issues.

So, Senator Landrieu.

Senator LANDRIEU. Okay. Thank you, Mr. Chairman.

There seems to be some confusion, and maybe it is warranted. But let me just review what was my understanding. And maybe there was a different view by the Chairman or maybe by the panel. But I thought that we were in the beginning of engaging on a master construction plan, one that would use the current building that everyone is in for the Family Court and move some of the judges to the Old Courthouse, the other judges to that building because it is empty, and it is a beautiful building and most certainly worthy of being preserved. But it takes a long time. And so we were always going to have some sort of temporary transition time.

The problem is that there were some dollar figures associated with that, and they have seemed to change. And there is some con-

fusion. And maybe that is because the GSA decided recently that not all the money was necessary up front, which actually, Mr. Chairman, is good news, if we can spread it out over several years instead of having to come up with such a large chunk in the beginning.

Now I had expressed a year ago the concern that I did not think that the Chairman and I, after putting so much effort with you and with your help and your full cooperation and your great skill, having to reform the Family Court, we did not want it to basically be the last to come on line. We wanted to make sure that the reforms that we had helped to implement would go into effect as soon as possible, whether in temporary quarters or whether in the current quarters while construction was ongoing. In other words, we did not want the Family Court to be last on the totem pole.

Am I hearing that what I have outlined is still pretty much the direction that we are going in, right, or has that changed? Because if that has changed, then I am as confused as the Chairman is.

Judge WAGNER. Well, I think that that is the direction we are going in. And secondly, the interim plan is designed to mesh with the long-term plan and minimize waste. On the time schedule for the overall, the long-term plan, the Moultrie Court expansion would be the first—well, would be nearly the first online in terms of the permanent planning. There is a chart over there; and I am not sure if you can see it.

Senator LANDRIEU. We have it. We have it here.

Judge WAGNER. But we—

Senator LANDRIEU [continuing]. And it indicates that the modernization of the Old Courthouse with the garage would be first and then the interim building plan for the Moultrie you said, maybe then the traffic piece will be completed, then the Moultrie Building comes on. And it will be maybe substantially completed by 2007.

Judge WAGNER. Yes.

Senator LANDRIEU. Now, of course, we would all like to see that pushed up, if possible. But I understand the complications of dealing with permitting and sites and designs and selection of architect.

Judge WAGNER. That is correct.

Senator LANDRIEU. It just takes a very long time. But while that is all going on, I think what Senator DeWine and I are saying is: Let us make sure the reforms of the operations of the Court, the cases, the intensive case management is happening in whatever space Judge Satterfield has available. And I think we would like to help you, you know, along that route, realizing it's complicated. The final point I want to make on this is: if that is our understanding, then I think that nothing substantially has changed, except the good news that we do not need all the money up front, and we can spread it out, which I think is very, very good.

But the other point is—and I realize that the designs that you showed us are not final. But I will express this once more publicly, how important I think it is for this Family Court to take the opportunity that is not quite afforded to other Family Courts, whether it is in Cleveland, Ohio, or New Orleans, Louisiana, where we are both familiar with this current state of our Family Courts; but to

take the opportunities of the advantage that is just inherent in being the Family Court of the District, to become a real showplace for the Nation. Why? Because almost every lawyer in the country comes to the District once a year. Why? Because almost every judge in the country comes here. Almost every judge comes here, for various reasons.

Almost all the case workers come here, either for conferences or on the course of their career several times. I would like this Family Court, and I think the Chairman shares this view, to be a real showcase of what a state-of-the-art Family Court should look like.

Now the pictures shown to me, and I do not mean to micro-manage this, but I want it, in my vision, to be a place where, first of all, families feel welcomed, and families feel safe, and families do not feel intimidated; to think about the customers that we are serving.

I do not think it necessarily should look like a college campus or a Supreme Court or a cold vision. I think it should be as warm and as inviting and as unthreatening and as empowering to the families that enter it as possible. That is all I am going to say about it. I am going to leave it up to the professionals to do it.

But since we are the ones supporting the funding for it, I think that, having talked to some of the judges around the country and some of the caseworkers, et cetera, they would want me to express how strongly they feel about a place where children do not feel intimidated and where they get the immediate idea that "The Government is on our side to try to make the best decisions for this child." And that is what I would like the architecture to communicate.

I am finished.

Senator DEWINE. Let me just say this, because I want GSA to clarify exactly what they are going to do and what they are going to require and what they are not going to require, because I am not aware that GSA has changed their policy in regard to having all the money up front. They have not told me that. They have not told my staff that. Now maybe that is a change in plans and change in policy.

But what they have told us is that they have to have all the money up in 2005. So we will see. They told me that, God bless them. And that would be good. But we will move on.

Judge KING. It does not change—and I think we should be very clear, it does not change our goal or our plan to implement the bill in the best way we know how and—

Senator DEWINE. Yes. Well, it makes it a lot easier for us if we do not have to have all the money in 1 year, I can tell you that.

Judge KING. Right. Of course. And I would say that—

Senator DEWINE. But we will find out.

Judge KING [continuing]. What Senator Landrieu just said, as well as any of us could say it, is what the goal is, what we consider the goal to be. For example, we have initiated discussions with the school system to set up a program for kids' art to be available to the courthouse so that we can decorate the family areas with art from the D.C. schools. But we are going to be looking at all those kinds of details to make it feel family-friendly.

Senator DEWINE. Okay. Another hearing, capital.

## CHILDREN ADOPTIONS

Let me move to another area. *Lashawn v. Williams* requires that legal activity to free a child for adoption should be initiated within 30 days after the child's permanency goal has been determined to be adoption. However, in the September 2002 monitor's report on the progress of the District's Child and Family Services Agency, the performance standard of legal activity to free children for adoption not only was not met, but the percentage of children who did receive timely initiation of legal activity decreased from 65 percent in May 2001 to 59 percent in May 2002. Let me ask you what you think is the source of this shortcoming.

And let me also ask, as judges, you are in the position to hold child welfare workers in contempt for not doing their job. Let me ask what your plans are to ensure these children can be offered up for adoption in a timely manner. Where are we?

Judge SATTERFIELD. I think I can answer that.

Senator DEWINE. Sure.

Judge SATTERFIELD. Let me answer that question for you regarding the adoptions. Part of the slowdown in adoptions last year was due to the wonderful tax credit that is going to be provided to families this year. At the end of last year, we had a number of parties who wanted us to slow the process down so that they can benefit from an adoption agreed issue and the tax credit that will be provided.

Senator DEWINE. Now how are we doing this year then?

Judge SATTERFIELD. Well, I think we are going to be on target to meet what we have met in the past. I am going to have—I do not have the exact numbers from what we have done from January to March. I can get that for you. But I know that the slowdown from last year was partly due to that. I only say partly because there are other problems that exist in that process, some of which you are trying to address in the Family Court Act with the ICPC, Interstate Compact Act, always presents a problem.

A lot of our cases are children who are placed with families in Prince George's County, Maryland. And we have substantial problems sometimes getting that process and getting those approvals. We have instances where the city is going to provide adoption subsidies to families, but the determination as to whether they are in ICPC status is based on the financial ability of the family to take care of the child absent the adoption subsidy that was going to be provided. And that slows those cases down.

We are working with the agencies so they can better locate parents who are missing, so that we can move the process along in their diligent search. And then the FBI clearances—and I understand why the FBI is quite busy now—have presented a problem with a slowdown. And that is what the agency is trying to work on, to get better access to the FBI clearances and faster access. All those contribute to that.

Senator DEWINE. I understand all that. But your first reason I am not sure is valid, because the question is not how many adoptions. The question was whether legal activity to free a child for adoption should be initiated within 30 days after the child's perma-

nency goal has been determined. That is not something that the parent does, the prospective parent, is it?

Judge SATTERFIELD. Well, no.

Senator DEWINE. The agency does that.

Judge SATTERFIELD. Well, to initiate the adoption proceeding has to be done by the petitioner, the lawyer. The judges require that they go forth with the adoption once the goal of adoption has been made in the case. And then they monitor that process to make sure that that is carried out by having frequent hearings to make sure that is done.

Senator DEWINE. Well, I am not going to play lawyer with you, but I am not satisfied with the answer. But all right.

Senator LANDRIEU. Can I just follow up?

Senator DEWINE. Go ahead.

Senator LANDRIEU. Let me just add something that might clarify it, because Senator DeWine will remember because he was such a strong supporter of what we tried to fix in Congress which was the unintentional, but serious, consequence of passing an adoption tax credit that basically was available for infant adoptions, but not for special needs adoptions.

And for 2 years in Congress, we struggled to make it clear that our intention was to provide the \$10,000 tax credit for special needs. And we worked very hard, I must say, in the Senate in a bipartisan way. But that effort was stopped in the House.

So I share your pain, because I can most certainly understand a family on the verge of adoption needing and being entitled to the credit that we intended them to get. But because of our—I would not say it was a mistake. It was unfortunately intentional on the part of some members of Congress to not have those go into effect at the same time. It put a—it caused that situation to exist.

Luckily since January of this year, it is finished because they are all—now there are tax credits for all adoptions, not just for infant adoptions, but for special needs adoptions, domestic, and international. So that problem should be erased.

The other problem I want to share your pain with—and, Senator DeWine, some of this is the Court and under their control, but some of it is the way the Federal law is, which I think needs to be changed and actually, I am working on a bill right now to change these laws, because the subsidies in the funding are not following the decisions of the Court as streamlined as is necessary. The Federal funding structures are really inhibiting the faster placement of children through adoption. And it would take me a long time to actually explain that. But just trust me, because I have studied it enough.

So part of it is our problem, and let me just admit that. And then part of it, I think, is, you know, lack of resources and perhaps some management, some management issues. But I will say for the record that I am hoping to lead an effort—and I know that the Senator will be supportive—of trying to get these funding streams basically lined up. So if a judge makes a decision—and I will just finalize this: If a judge says in this country, “Reunification is what we want for this child,” the funding follows that decision.

If the judge says temporary foster care, the money follows that. If the judge says adoption is the permanency plan, then the Fed-

eral funding follows it. But we are a long way from getting to that point to where we are today. It is going to take some time, but we are working on it.

Senator DEWINE. Let me just say that Senator Landrieu is absolutely right. There is a lot that we have to do. I do not want to belabor the point, Mr. Satterfield. But all I was saying, and it is a minor point, all I am saying is, the initiation to release a child to be eligible for adoption is a different thing from the filing of the adoption procedure. That is all I am saying. That is a responsibility of the Court. It is not the responsibility of the parent. It is the action to make the child eligible for adoption.

Judge SATTERFIELD. Can I respond? As I understand your question, you are talking about the filing not of adoptions, but of terminations.

Senator DEWINE. That is correct. And your answer to me was, "We did not do that because the parents did not want us to move ahead because they wanted to get this tax credit." And I am saying that is your responsibility to make the child eligible for adoption. And that is not a correct answer.

Judge SATTERFIELD. I did not understand your question, and I am sorry for that. But as I understand, your question now is: What are you doing in terms of filing a termination—

Senator DEWINE. Why did you not file it?

Judge SATTERFIELD [continuing]. Of parental rights—

Senator DEWINE. Right.

Judge SATTERFIELD [continuing]. In order to do that? I thought we were talking—so I did not understand the question. That is why I gave the answer to a question I thought you asked, but obviously you did not.

Senator DEWINE. Okay. Okay.

Judge SATTERFIELD. But in terms of terminating parental rights, there has been an increase in the Court in the filings of terminations of parental rights, because the Government agency, the Office of Corporation Counsel, now recognizes that it is their responsibility to do that in those cases that warrant it, and they are filing those cases. We have consolidated those cases with a neglect judge handling the case. We expect that number to go up. And we are addressing that number.

We are monitoring the Office of Corporation Counsel to make sure that they file those motions. And we are doing that in our review hearings with them.

Senator DEWINE. So the figures that I cited, of course, are old figures in the sense that they were up to May of 2002.

Judge SATTERFIELD. Well, I think you cited some—

Senator DEWINE. What you are telling me is the figures are better now.

Judge SATTERFIELD. Well, they are going to be better because they were not filing any of those motions in the past, and now they are starting to file those motions. Part of the reason they did not file those motions is that it was more efficient for us to do the terminations through the filing of the adoption case, because it avoided certain appellate circumstances and the delay in appeals. But now they are complying with the statutory mandate and filing



those motions a lot more quickly than they used to, because they were not being filed by the office at all.

Senator DEWINE. Okay.

Anything else you want to get into?

Senator LANDRIEU. I think I will pass on the questions. I have gotten explanations for what I was concerned about. Well, maybe just one. I wanted to go back, because I know we are short on time.

#### DOMESTIC VIOLENCE

Judge King, you said something about a new intake system for domestic violence. Would you take a minute to elaborate on that? Because I think it is a very important issue. And so many of our jurisdictions around the country are really making some great strides in terms of reaching out to victims of domestic violence and realizing that it itself is a core of many of the problems, in terms of fragile families and child self-esteem. And of course, the abuse experienced directly by the victim in most instances, in 99 percent of the cases, is the woman.

So could you just give me a one minute explanation of exactly what you are talking about, to make it easier for the victims to show that they are truly victimized, give the courts expedited either video or testimony so that either restraining orders can be issued or action taken against the abuser?

Judge KING. Yes, I would be happy to. Just very quickly, we are in our sixth year of operating the domestic violence unit, which, when it was organized, was a model in the Nation with two or three others. It brings all of the cases that are related to a domestic violence issue in before one judge and in one branch of the Court.

What we found at the time, was that it reduced the number of places that a victim had to go to tell her story, usually hers, from 19 down to 1. So we made a major accomplishment in simplifying that process. We have advocates and advisors available to them at an intake center at the courthouse.

What we found was that a large number of the victims and those complaining of domestic violence were in Anacostia, which meant that they have to take a bus and a cab, and it is expensive and difficult. And they have to make childcare arrangements and so on. So we opened a satellite unit, which has some of the staff. It gets prohibitively expensive unless you are in New York, where you have a million people everywhere you look. But we have some of the staff there to handle the intake, to do some of the advising, to give them a sense of what they can and what they need to do.

And also, we have a teleconferencing set up so that they can go to a studio in—it is actually located in the Greater Southeast Hospital facility. They go to a studio there, go on the television. A judge sitting at the courthouse can confer with them just as we are doing now, just with a camera, and can sign a temporary restraining order and fax it back to them. So they can go to their neighborhood location, pick up the order and leave and get it served.

We have even had the good fortune of having that turn out to be a convenient place for police officers to get warrants signed. So they are piggy-backing on the domestic violence operation, which means that there is, without any expense to anybody, there is pret-

ty good security supplied there, because police officers are coming and going to get warrants signed.

Senator LANDRIEU. Well, let me just briefly commend you for that. I just think it is just an extraordinary step, and will do what I can. And I know that our committee will support your efforts, because it is a very serious epidemic in this society. And it is not just limited to certain neighborhoods. It is throughout the city.

And as you noted, resources are limited. We could not do this everywhere. But I just cannot tell you how much I appreciate that and look forward to learning more about it so that we can support it.

It is one of the goals of my public career to get the legal system in this country to support the victim and not the abuser from the moment that it starts to the moment that it ends. And whether it is helping the victim, you know, to stay in the home, to protect the children, and have the abuser suffer the consequences of abuse—and too often, our legal system and our court system puts the burden on the one who is abused, which makes no sense whatsoever. The burden should be on the abuser.

So I will look forward to working with you. And also, counseling the abusers for those who can be rehabilitated. Not in every case are we successful, but we should, of course, try to reach out to the abusers as well appropriately.

Thank you.

Senator DEWINE. Well, we thank you all very much. And we look forward to continuing to work with you, particularly in regard to the Family Court. And we will try to have a hearing sometime that is convenient for you all, sometime within the next 2 weeks, where we can bring GSA in and bring you in and see where we are.

Thank you very much.

COURT SERVICES AND OFFENDER SUPERVISION AGENCY

**STATEMENT OF PAUL A. QUANDER, JR., DIRECTOR**

Senator DEWINE. Let me invite our second panel to come up. And as you are coming up, I will introduce the second panel.

The Honorable Paul Quander is the Director of the Court Services and Offender Supervision Agency. Mr. Ronald Sullivan is the Director of the Public Defender Service for the District of Columbia.

We welcome both of our witnesses and thank them for joining us here today. We have received their written testimony. We would invite them both to summarize their testimony and spend maybe about 5 minutes each, if you could. And we will start with whoever wants to start and invite you to go ahead. And then we will have the opportunity to have some questions. You can flip a coin or whatever.

Mr. QUANDER. We just did.

Senator DEWINE. All right. Very good.

Mr. QUANDER. Good morning, Mr. Chairman, Senator Landrieu.

Senator DEWINE. I am not sure that is on. Push the button, and if it lights up, it is on.

Mr. QUANDER. All right. We will try it again. It is on now.

Senator DEWINE. All right. Very good.

Mr. QUANDER. Good morning, Chairman DeWine. And good morning, Senator Landrieu. I am Paul Quander, the Director of the Court Services and Offender Supervision Agency. Thank you for the opportunity to appear before you today in support of the fiscal year 2004 budget request of the Court Services and Offender Supervision Agency for the District of Columbia, or CSOSA.

As you know, CSOSA includes the Pretrial Services Agency, PSA, which provides supervision for pretrial defendants. The Community Supervision Program supervises convicted offenders on probation, parole, or supervised release. Our fiscal year 2004 request reflects our desire to continue implementing the initiatives we have previously presented to you. We strive to allocate resources strategically and effectively so that we can achieve the greatest possible benefit to public safety.

At any given time, CSP supervises approximately 15,000 offenders. PSA supervises or monitors approximately 8,000 defendants. With both populations, our highest priority must be to close the revolving door that leads too many people through repeated incarcerations and periods of supervision. Through accountability, intermediate sanctions, treatment, education, and employment, we are striving to increase the percentages more every year by reducing re-arrest and recidivism among our population. In the 6 years since CSOSA's establishment as trustee and the 3 years since certification as an independent Federal agency, we have achieved a number of significant milestones. With fiscal year 2003 and fiscal year

2004 resources, we expect to meet our target caseload of 50 general supervision offenders per community supervision officer. We have opened 6 field units to locate our offices in areas of the city with high concentrations of offenders, including our newest office at 25 K Street, Northwest.

Since fiscal year 2000, we have increased by 116 percent the number of offenders drug-tested every month. We have placed over 3,500 defendants and offenders in contract treatment in fiscal year 2002. Our multi-denominational faith community partnership embraces more than 25 member institutions. And our volunteer mentor program has matched more than 80 returning offenders with individuals who are committed to helping them stay out of prison.

Our fiscal year 2004 CSOSA requests direct budget authority of \$166,525,000 and 1,357 full-time equivalent positions. Of this amount, \$103,904,000 is for community supervision programs. \$34,411,000 is for the Pretrial Services Agency. And \$25,210,000 is for the Public Defender Service. The District of Columbia Public Defender Service transmits its budget request with CSOSA's.

CSOSA's fiscal year 2004 budget request represents an 8 percent increase over fiscal year 2003 funding. Most of that increase is attributable to adjustments to base that will enable the Community Supervision Program to fully fund community supervision officer positions to be filled in fiscal year 2003. These positions are essential to achieving our target caseload ratio. The Community Supervision Program increase also includes funding to implement our Reentry and Sanctions Center Program, which is based on our current Assessment and Orientation Center, or AOC.

In fiscal year 2002, CSOSA received \$13 million and an authorization for 89 positions to expand the AOC located at Karrick Hall on the grounds of D.C. General Hospital. In September 2002, CSOSA signed a 10-year lease with the District of Columbia for the continued use of Karrick Hall. The planning work is completed, but renovation has been delayed pending approvals required by the District Government.

The Assessment and Orientation Center provides a residential placement for high-risk defendants and offenders with extensive criminal histories and severe substance problems. Among offenders who complete the program, re-arrest decreased by 74 percent in the year following completion. Since its inception, almost 900 defendants and offenders have benefitted from this program. This program is targeted directly at the 30 percent of our population who are most likely to recidivate. And so we believe it is essential to achieving our public safety mission. We request \$3,104,000 to expand the Assessment and Orientation Center to a full-fledged reentry and sanctions center bringing one additional unit online for a total of 39 beds.

#### PREPARED STATEMENT

The Pretrial Services Agency also has one new initiative focusing on enhanced supervision. Since the D.C. Department of Corrections closed their Community Corrections Center Number 4, additional defendants are being released to the community and are being monitored by Pretrial Services officers. The impacts of this have been considerable. To mitigate the stress this has placed on the

Pretrial Services general supervision staff, the Pretrial Services Agency requests \$224,000 to provide vendor management of the agency's electronic monitoring program.

Thank you again for the opportunity to appear before you today. And I will be happy to answer any questions that you may have at the appropriate time.

Senator DEWINE. Thank you very much.

[The statement follows:]

PREPARED STATEMENT OF PAUL A. QUANDER, JR.

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to appear before you today in support of the fiscal year 2004 budget request of the Court Services and Offender Supervision Agency for the District of Columbia, or CSOSA. As you know, CSOSA includes the Pretrial Services Agency (PSA), which provides supervision for pretrial defendants. Convicted offenders released into the community on probation, parole, or supervised release are supervised by the Community Supervision Program (CSP).

Today marks my first appearance before you as CSOSA's appointed Director. In my first 6 months with the Agency, I have come to appreciate both the complexity of what we are trying to accomplish and the level of support we have received from Congress as we build our capabilities. We greatly appreciate the increased resources we have received since the Revitalization Act was passed in 1997. Our fiscal year 2004 request reflects our desire to continue using those resources effectively and strategically to fully implement the initiatives we have previously presented to you.

At any given time, CSP supervises approximately 15,000 offenders; PSA supervises or monitors approximately 8,000 defendants. To CSOSA, these individuals present the dual challenges of community corrections: reducing risk to public safety while, at the same time, helping thousands of our city's residents to turn their lives around through drug treatment, educational services, and job placement. We believe these challenges complement each other; we strive not only to hold offenders and defendants accountable for their actions, but to provide opportunities that assist them in developing a different, more successful way of life.

While more than 85 percent of arrests in the District of Columbia did not involve offenders under our supervision, our highest priority must be to close the "revolving door" that leads too many people through repeated incarcerations and periods of supervision. To achieve that priority, CSOSA allocates resources to four strategic objectives, or Critical Success Factors: Risk and Needs Assessment, Close Supervision, Treatment and Support Services, and Partnerships. Slightly less than one quarter of our budget is allocated to Risk and Needs Assessment, about one quarter to Treatment activities, and half to our front line Close Supervision activities. Partnership activities receive 5 percent of funding. We believe that success in these four areas will enable us to achieve our mission of public safety and service to criminal justice decision makers.

In the 6 years since CSOSA's establishment as a trusteeship, and the 3 years since certification as an independent Federal agency, we have achieved significant progress toward realizing these objectives. Our milestone achievements include the following:

- Both the Community Supervision Program and the Pretrial Services Agency have implemented automated case management systems that will greatly improve data quality and officer effectiveness.
- We have implemented comprehensive risk assessment for offenders and are now expanding our case planning protocol to include uniform needs assessment.
- With fiscal year 2003 and fiscal year 2004 resources, we expect to meet our target caseload of 50 general supervision offenders per officer.
- We have opened six field units to locate our officers in areas of the city with high concentrations of offenders, including our newest office at 25 K Street. A seventh field location at 800 North Capitol Street will come on line in the next few months.
- Since fiscal year 2000, we have increased by 116 percent the number of offenders drug tested every month.
- We have placed over 3,500 defendants and offenders in contract treatment in fiscal year 2002.
- We are particularly pleased that our partnership activities have expanded to include the city's faith institutions. Our multi-denominational Faith Community Partnership embraces more than 25 member institutions, and our volunteer

mentor program has matched more than 80 returning offenders with individuals who are committed to helping them stay out of prison.

- We continue to explore ways to partner with the Metropolitan Police Department so that offenders are known to the police and our Community Supervision Officers are a visible public safety presence in the city's Police Service Areas. We are particularly proud of joint supervision by MPD and CSOSA officers who together make visits to offenders at their homes and workplaces. These "accountability tours" demonstrate to the community, the offender, and the offender's significant others that the police and CSOSA are collaborating to enforce supervision and prevent criminal activity.
- We are also exploring ways in which offender and defendant accountability can be enforced through technology, such as using Global Positioning System-based electronic monitoring, to maintain ongoing knowledge of the offender's location in order to improve the enforcement of stay-away orders.

For fiscal year 2004, CSOSA requests direct budget authority of \$166,525,000 and 1,357 FTE. Of this amount, \$103,904,000 is for the Community Supervision Program; \$37,411,000 is for the Pretrial Services Agency, and \$25,210,000 is for the Public Defender Service. The District of Columbia Public Defender Service transmits its budget request with CSOSA's. The Director of PDS, Ronald Sullivan, will present it in a separate statement.

CSOSA's fiscal year 2004 budget request represents an 8 percent increase over fiscal year 2003 funding. Most of that increase is attributable to Adjustments to Base that will enable the Community Supervision Program to fully fund Community Supervision Officer positions to be filled in fiscal year 2003. These positions are essential to achieving our target caseload ratio.

The Community Supervision Program increase also includes funding to expand our Close Supervision capabilities. In fiscal year 2002, CSOSA received \$13 million and an authorization for 89 positions to expand the Assessment and Orientation Center into a full Reentry and Sanctions Center. Located at Karrick Hall on the grounds of D.C. General Hospital, the Assessment and Orientation Center provides a residential placement for high-risk defendants and offenders with extensive criminal histories and severe substance abuse problems. The program has proven very effective in increasing the likelihood that these individuals will go on to complete supervision successfully. Among offenders who complete the program, rearrests decreased by 74 percent in the year following treatment. Since its inception, almost 900 defendants and offenders have successfully completed the program.

The Reentry and Sanctions Center will increase the availability of this successful program for the offenders most likely to commit new crimes. We believe that through strategic intervention with this high-risk population, we can achieve a significant decrease in recidivism. The Reentry and Sanctions Center will also increase CSOSA's capacity to implement intermediate sanctions for offenders and defendants who abuse drugs while under supervision, and for whom less intensive options might not be effective. Meaningful intermediate sanctions and increased availability of sanction-based treatment are among our most potent weapons in the fight to reduce recidivism.

In September 2002, CSOSA signed a 10-year lease with the District of Columbia for the continued use of Karrick Hall. Although renovation work has been delayed pending approvals required by the District government, we request \$3,104,000 to expand the Reentry and Sanctions Center to operate one additional unit, for a total of 40 beds. We will also continue to request funding for the program from the Office of National Drug Control Policy's High Intensity Drug Trafficking Area initiative, which has provided \$1.3 million per year.

The Pretrial Services Agency also has one new initiative focusing on enhanced supervision. Since the D.C. Department of Corrections' closure of Community Correctional Center No. 4 in 2002, more high-risk defendants are being released to the community and must be monitored by Pretrial Service Officers. The impact of this has been considerable. Officers must devote more time to every aspect of these cases and must increase the number of face-to-face contacts with these defendants. This increased contact is difficult to maintain with caseloads at their current levels. To mitigate the stress this has placed on the General Supervision staff, the Pretrial Services Agency requests \$224,000 to provide vendor management of the agency's electronic monitoring program.

We at CSOSA are proud of our progress as a Federal agency. We believe that our program model, which applies national best practices to the unique needs of the District of Columbia, will improve the safety of our city and increase the resources available to the offenders and defendants who live here. As we mature as an Agency, I have every confidence that we will be able to present an impressive record of

accomplishments. I believe our success will make CSOSA a national leader in the field of community supervision and a unique model for other jurisdictions.

Thank you again for the opportunity to appear before you today. I will be happy to answer any questions you may have.

## PUBLIC DEFENDER SERVICES

### STATEMENT OF RONALD S. SULLIVAN, JR., DIRECTOR

Senator DEWINE. Mr. Sullivan.

Mr. SULLIVAN. Good afternoon, Mr. Chairman, Senator Landrieu.

On behalf of the Public Defender Service for the District of Columbia, or PDS, I thank you for the opportunity to address you in support of PDS's fiscal year 2004 budget request. As you know, the Public Defender Services provides constitutionally mandated legal representation to indigent people facing a loss of liberty in the District of Columbia.

PDS is the local defender in our Nation's Capital. And it is also a national standard-bearer. Throughout its 30-year history, PDS has maintained its reputation as the best public defender office in the country, local or Federal. We have been able to maintain this reputation because of PDS' innovative approaches that are applied by some of the most talented lawyers and support staff in the country. PDS is an agency that this Congress, this committee, and this community can be proud of.

PDS generally is assigned the most serious resource-intensive and complex cases in the District. With the 100 lawyers on staff, PDS typically represents about 60 percent of the most serious felony charges; and the majority of juveniles facing serious delinquency charges. And consistent with a 2003 initiative, we now represent nearly 100 percent of all people facing parole revocation. The majority of people—we also represent the majority of people in the mental health system who are facing involuntary civil commitment.

With this backdrop, I will address our fiscal year 2004 budget request. For fiscal year 2004, PDS requests \$25,210,000 and 218.5 FTE and direct budget authority, which includes a request for .5 or only one-half new FTE and \$100,000 to support our only new initiative, the Appellate Assistance Response Initiative. The number of constitutionally mandated appellate cases opened by PDS has increased by 50 percent since 1997, while the numbers of attorneys providing these services has remained constant. In order to continue providing this constitutionally mandated service, PDS respectfully requests that this subcommittee approve its very modest budget initiative.

Let me offer a brief example of how the work that we do makes a difference in the lives of real people. Recently, the District of Columbia Court of Appeals contacted PDS after affirming convictions in a two-person appeal. The Court was concerned because the briefs of one of the persons—and I will call her Jane to respect her privacy—looked like it was a verbatim replica of the other appellant's brief, even though the two had conflicting interests.

PDS's Appellate Division accepted Jane's case, convinced the District of Columbia Court of Appeals to reopen the case, wrote new



briefs for Jane, who all along maintained that the conviction was wrong, and, through PDS's advocacy, demonstrated that the evidence was not sufficient to support a conviction. Jane was acquitted. Justice was done.

In another important Appellate Court matter, PDS advanced the position that it is improper and unconstitutional for the Government to exclude people from juries on the basis of religion alone, as religious freedom, in our view, reaches the core of what it means to be an American. Significantly, with the new Executive Branch administration, the Government advised the DCCA that it has changed its position and now agrees with PDS. Religion is an improper basis upon which to exclude jurors. We await the Court's decision.

In other matters, PDS has recently increased the sophistication of its practice. And in light of this subcommittee's interest in and commitment to the children of the District of Columbia, I am proud to announce that we have added services at our organization, such as the special education advocacy for our juvenile clients. We are the only institutional provider, the District of Columbia Special Education Services. And given the disturbing correlation between educational deficiencies and delinquent behavior, this is a much-needed service.

Utilizing the resources from our fiscal year 2003 DNA initiative, we have just litigated an admissibility issue involving a novel and complex DNA matter. Before ruling, the judge in this matter said—and he was referring to PDS and the United States Attorney's Office, and I quote, "I want to say at the outset that you are to be highly commended. These are some of the most impressive pleadings I have seen in my years on the bench. It is a credit to both your institutions that you have been able to marshal all of this in a way that reminds me of two Wall Street firms going at it. I am sure you all are making \$500 an hour."

And for the record, I will not object if this committee decides to compensate us thusly.

#### PREPARED STATEMENT

This judge's recognition is consistent with PDS' model that we provide better services than money can buy. With your support of our appellate initiative and our fiscal year 2004 budget request, I can assure the members of this subcommittee that PDS will continue to look for new and inventive ways to make each tax dollar we receive build a more fair and effective criminal justice system.

My time has expired. I would like to thank you for your time and attention to these matters. And I will be happy to answer any questions you may have.

[The statement follows:]

#### PREPARED STATEMENT OF RONALD S. SULLIVAN, JR.

Good afternoon, Mister Chairman and members of the Subcommittee. My name is Ronald S. Sullivan Jr., and I am the Director of the Public Defender Service for the District of Columbia (PDS). I come before you today in support of the agency's fiscal year 2004 budget request. The agency thanks you for your support of our programs in previous years.

As a result of the National Capital Revitalization and Self-Government Improvement Act of 1997 (the "Revitalization Act"), PDS was established as a federally-

funded, independent District of Columbia agency. In accordance with the Revitalization Act, PDS transmits its budget and receives its appropriation as a transfer through the Court Services and Offender Supervision Agency (CSOSA) appropriation. PDS provides constitutionally-mandated legal representation to people facing a loss of liberty in the District of Columbia who cannot afford a lawyer. In the District of Columbia, PDS and the District of Columbia Courts share the responsibility for providing constitutionally-mandated legal representation to people who cannot pay for their own attorney. Under the District of Columbia's Criminal Justice Act (CJA), the District of Columbia Courts appoint PDS generally to the more serious, more complex, resourceintensive, and time-consuming criminal cases. The Courts assign the remaining, less serious cases and the majority of the misdemeanor and traffic cases to a panel of approximately 350 preselected private attorneys ("CJA attorneys"). Approximately 100 lawyers on staff at PDS are appointed to represent: a significant percentage of people facing the most serious felony charges; the majority of the juveniles facing serious delinquency charges; nearly 100 percent of all people facing parole revocation; and the majority of people in the mental health system who are facing involuntary civil commitment.

In less than 1 week, defense attorneys and others from around the country will mark the 40th anniversary of *Gideon v. Wainwright*,<sup>1</sup> the landmark Supreme Court case that held that a fair trial in non-Federal criminal cases includes the right to an attorney for those who cannot afford one. PDS, like so many other public defender offices, owes its existence to that case. PDS, however, is unique. It is the local defender office for our Nation's capital, and it is the national standard bearer; throughout its history PDS has maintained its reputation as the best public defender office in the country—local or Federal. PDS is an agency this Congress and the District of Columbia can be proud of.

That reputation is no accident. From its beginning in 1971 as the Legal Aid Society, PDS' mission has been to serve as a model public defender organization in providing defense representation to the traditionally underserved indigent population. That mission has led PDS over the past 30+ years to enhance and improve the representation it offers to its clients. While much of our work is devoted to ensuring that no innocent person is ever wrongfully convicted of a crime, we also provide legal representation to people with mental illness who are facing involuntary civil commitment, recovering substance abusers participating in the highly successful Drug Court treatment program, and juveniles in the delinquency system who have learning disabilities and require special educational accommodations under the Individuals with Disabilities in Education Act.<sup>2</sup>

PDS' mission has also led the agency to expand the resources it provides to the criminal justice community at large in the form of training for other District of Columbia defense attorneys and investigators who represent those who cannot afford an attorney and in the form of support to the District of Columbia Courts. In addition, the mission has spurred PDS to develop innovative approaches to representation, from instituting measures to address the problems of clients returning to the community who have been incarcerated to creating a one-of-a-kind electronic case tracking system. As PDS' recently chosen Director—one who previously had the honor of serving as a staff attorney and later as general counsel at PDS—I intend to maintain PDS' tradition of fulfilling the promise of that landmark Supreme Court case by ensuring qualified counsel for the accused in the Nation's capital while continuing to prepare the agency for the challenges it faces in the 21st century.

Our sole fiscal year 2004 requested initiative, the Appellate Assistance Response Initiative, is part of that effort. For fiscal year 2004, PDS requests \$25,210,000 and 218.5 FTE in direct budget authority, which includes a request for .5 new FTE and \$100,000 to support this new initiative. This modest increase in personnel resources and funding is requested in recognition of the President's emphasis on spending for national security.

#### FISCAL YEAR 2004 REQUEST

##### *Appellate Assistance Response Initiative*

PDS applies throughout the agency its innovative approach to providing defense representation to individuals who are unable to pay for their own attorneys, including in its Appellate Division. PDS has become an established resource for the District of Columbia Court of Appeals as the Court has increasingly relied on PDS' Appellate Division for assistance in matters of unusual importance or complexity. PDS renders this assistance through *amicus curiae*, or "friend of the court," briefs while

<sup>1</sup> 372 U.S. 335 (1963).

<sup>2</sup> 20 U.S.C. Sec. 1400, et. seq.

it continues to provide constitutionally-mandated appellate representation to individuals. PDS not only serves the District of Columbia Court of Appeals in this way, but also the District of Columbia Superior Court; PDS has even appeared as amicus curiae in the United States Supreme Court. The Superior Court also turns to PDS with requests for amicus curiae briefs on complex or unusual issues that arise in collateral proceedings such as ineffective assistance of counsel claims.

In part due to the consistent demand for PDS expertise as amicus curiae to the benefit of the criminal justice system, in the 5 years since the passage of the Revitalization Act, the number of constitutionally-mandated appellate cases opened by PDS has increased by 50 percent while the number of attorneys providing these services has remained unchanged. Furthermore, PDS appellate attorneys have additional responsibilities that place demands on their time. Attorneys in the Appellate Division devote a significant amount of time to training both PDS and non-PDS lawyers. Appellate Division attorneys organize and present material for the “appellate track” of the Criminal Practice Institute conference, they conduct several sessions in the yearly summer training series for the CJA bar, and they organize internal training sessions for PDS attorneys. The caseload increase, the requests for amicus curiae briefs, and the training work combined have stretched the Appellate Division’s capacity, straining its ability to effectively meet the needs of PDS clients and the Court of Appeals at current funding levels. In order to continue providing constitutionally-mandated appellate legal representation to individuals who cannot afford an attorney and to the District of Columbia Courts, PDS seeks .5 FTE and \$100,000 in increased support.

#### FISCAL YEAR 2003 ACCOMPLISHMENTS

In fiscal year 2003, in addition to handling a variety of criminal, juvenile, parole, mental health, and other legal matters, the agency was very successful in instituting changes to improve the overall quality of the District of Columbia justice system through new approaches to client service, through litigation, and through very successful collaborations with other criminal justice and social service organizations. PDS’ success in these areas was recently recognized by the Legal Aid Society of the District of Columbia, an organization that exists to make pro bono legal representation available to those who can least afford the services of an attorney.

The Legal Aid Society selected PDS as one of its two honorees for 2003 “who have demonstrated unswerving dedication and achievement in providing access to all persons, regardless of income, to representation before the District of Columbia courts and agencies.” Almost all past honorees, who include Justice Thurgood Marshall, the Honorable Eric Holder, Jr., and Charles Ruff, have been individual attorneys. Significantly, this year the Legal Aid Society decided to select an agency for this honor instead. This award pays tribute to PDS’ effort to ensure that each and every client receives representation at the highest level of professional competence. This goal has always been—and will continue to be—the lodestar that guides this agency.

#### FISCAL YEAR 2003 INITIATIVES

In fiscal year 2003, Congress passed a bill, and the President signed into Law, a new program increase for PDS totaling 6 positions, 6 FTE, and \$874,000 in support of two new initiatives. PDS’ DNA Sample Collection Act initiative received 2 positions, 2 FTE, and \$427,000. The agency’s Parole Revocation Defense Initiative received 4 positions, 4 FTE, and \$447,000. The enacted law was further amended under H.J. Res. 2 to decrease the total funding available in fiscal year 2003 in support of these new initiatives by a rescission of .65 percent, or 2 positions, 1 FTE, and \$149,955.

#### DNA SAMPLE COLLECTION RESPONSE INITIATIVE

As anticipated when PDS submitted its fiscal year 2003 budget request, the District of Columbia Council passed the Innocence Protection Act, which requires the government to retain all evidence containing DNA material to assist in establishing or refuting post-conviction claims of actual innocence. This Act, along with the District of Columbia’s DNA Sample Collection Act and the Federal DNA Analysis Backlog Elimination Act,<sup>3</sup> has led to an increased need within the District of Columbia criminal justice system for expertise in the use of DNA as evidence. To implement its fiscal year 2003 DNA Sample Collection Response Initiative, PDS is generating the internal and external training necessary to develop attorneys with the knowl-

<sup>3</sup>Both of these Acts require that the Court Services and Offender Supervision Agency collect DNA samples from D.C. Code offenders for comparative analysis by the FBI in unsolved crimes.

edge and skills to engage in cutting edge litigation involving the ever-changing landscape of DNA evidence. A Superior Court judge deciding a PDS matter that involved some of the most controversial and technically sophisticated scientific issues of this type recently acknowledged the value to the criminal justice system of expert litigators. The judge thanked the agency for its extraordinary pleadings and the caliber and stature of the expert witnesses who had been presented to the court. The judge also noted that the quality of the parties' advocacy and pleadings was on par with that of Wall Street firms charging \$500 per hour.

Our recent investment in this rapidly developing area, combined with the commitment of the team of PDS lawyers involved in this effort, has taken the agency to the forefront of this field. We are already leveraging this expertise to share it with our colleagues on the CJA attorney panel. Thanks to the added assistance of Federal grants, PDS has committed to planning and hosting a free forensic science conference for court-appointed defense attorneys in the District of Columbia in June of this year. The conference will provide the most up-to-date knowledge concerning the use of forensic evidence to conference participants. We have already obtained appearance commitments from a number of nationally recognized speakers.

As has been PDS' custom, we will continue to develop the agency's expertise in new scientific methods and then seek to promptly disseminate and share that expertise to the benefit of all persons charged with offenses in the District of Columbia who cannot afford an attorney.

#### PAROLE REVOCATION DEFENSE INITIATIVE

PDS' Special Litigation Division has handled an average of 75 parole revocation cases per month in the first 4 months of fiscal year 2003. This is consistent with the estimate of 70 to 100 cases per month PDS estimated in its fiscal year 2003 budget request, and it represents a 50 percent increase in the number of the Division's new case referrals from the same period last year. This underscores the need for the additional resources provided by the fiscal year 2003 budget. The Division continued to provide constitutionally-mandated parole representation in nearly 100 percent of all parole revocation cases involving D.C. Code offenders before the U.S. Parole Commission, a service PDS assumed responsibility for providing after the Revitalization Act was passed. The Division has recruited students from local law schools to represent District of Columbia parolees at their revocation hearings in order to leverage the agency's existing resources and provide litigation training to the students. The students, whose work is supervised by PDS attorneys, have relieved some of the strain on the agency's resources.

#### COMMUNITY RE-ENTRY INITIATIVE

In fiscal year 2002, PDS received 10 positions, 9 FTE, and \$1,019,000 in support of its Community Re-entry Initiative. PDS, ever exploring new, effective methods to meet the needs of its clientele, has established a Community Re-entry Project to help smooth the path that leads incarcerated individuals back into the community and to support them upon their arrival. The Project, PDS' sole fiscal year 2002 initiative, continues to make great strides toward becoming fully functional. In fiscal year 2003, the Project<sup>4</sup> focused on addressing the needs of children involved in the District of Columbia's juvenile delinquency system. The Community Re-entry Project developed a program to monitor the progress of children placed through the juvenile delinquency system in residential facilities and to provide support to prepare them for returning to their home communities. The Project also developed a "Street Law" program for children placed in the District of Columbia's juvenile detention facility to improve their decision-making; this program will be expanded to include children placed in District of Columbia group homes. The Community Re-entry Project is also working with local public and private school students to develop peer mentor relationships between those students and children placed in the juvenile detention facility; the relationships will provide additional resources upon the children's return to their home communities.

Also, working with local Hispanic families, the Community Re-entry Project assists in making resources available in their own neighborhoods to children returning from the District of Columbia's juvenile detention facility. The Project creates links between the returning children and a local neighborhood collaborative to identify and provide community support resources. The Project will expand this program by replicating it with other neighborhood collaboratives throughout the city to develop a network of support resources for children being released from the facility. The Project is developing an anti-truancy program in collaboration with the District of

<sup>4</sup>For children, the Community Re-entry Project operates as PDS' Juvenile Services Program.

Columbia public schools system, the D.C. Bar, and the District of Columbia Superior Court to address truancy issues in recognition of their observed correlation with delinquent behavior.

PDS will continue to develop the Project this year by addressing the needs of adults for re-entry services and support. The Project has established contact with some social services organizations and is seeking others to assist in easing the transition from incarceration to release with educational, employment, training, counseling resources and other effective tools to increase opportunities for success and decrease chances of recidivism.

#### GENERAL PROGRAM ACCOMPLISHMENTS

##### *Criminal Justice System Reforms*

In accordance with PDS' many efforts to find new, effective means of implementing its mission to provide representation to those in the District of Columbia criminal justice system who cannot afford an attorney, PDS' Appellate and Special Litigation Divisions have litigated cases that have direct impact on services and processes of other local and Federal Government entities within and outside of the criminal justice system that affect our clients. PDS' successful advocacy in such cases has led to the equitable provision of public services to all recipients—not just PDS clients—ensuring that the rights of all people are protected and that critical support services necessary for incarcerated individuals' successful transition back into the community are available.

*Ensuring adequate representation.*—The District of Columbia Court of Appeals solicited PDS' assistance after observing questionable behavior by a non-PDS appellate attorney in that Court. A woman and her codefendant had separately appealed their convictions for unauthorized use of a vehicle, each arguing that the evidence was insufficient to support the conviction. In reviewing the coappellants' cases, the Court noted that the woman's brief, filed by the appellate attorney, was an almost verbatim replica of the earlier filed brief of the woman's coappellant. After affirming both convictions, the Court contacted PDS and appointed the agency as the woman's new appellate counsel. The Court accepted PDS' argument that the first appellate attorney's performance was so deficient and prejudicial as to be tantamount to the complete absence of counsel on appeal, and allowed the woman to pursue her direct appeal again. In briefing the direct appeal, PDS pursued the same sufficiency-of-the-evidence argument advanced before. However, for the new brief, PDS was able to distinguish legal and factual arguments applicable to the woman's case that had been obscured by the first appellate attorney's approach of apparently copying the coappellant's brief. The Court held that the woman was entitled to a judgment of acquittal, as a direct result of PDS' involvement.

*Support for the District of Columbia Family Court's authority.*—PDS has been at the forefront of litigation designed to ensure that judges of the newly created Family Court in the District of Columbia maintain the ability to exercise the responsibility and power Congress envisioned when it created that Court and sought to guarantee the existence of a cadre of judges with expertise in matters pertaining to children. Specifically, PDS has been involved in extensive litigation, both in the Superior Court and in the Court of Appeals, with the District of Columbia to resolve whether the Department of Human Services (DHS), a District of Columbia executive branch agency, or Family Court judges should have the power to determine what facility is best suited to meet the needs of troubled youth. According to DHS, once a judge determines that a delinquent child should be committed to DHS, the judge loses all authority to determine what institution or facility best meets that child's needs. PDS' position is that Congress has invested judges, in particular the specially trained Family Court judges, with the power and responsibility to determine those placements and not simply to hand the children to DHS and hope for the best.

*Fairness in jury selection.*—PDS has been advancing the position for several years that striking a prospective juror on the basis of that juror's religious affiliation is unconstitutional in the same way that striking a juror on the basis of race or gender violates the Constitution. In our view, striking a juror on the grounds of religious affiliation alone—without a demonstrated basis that the juror's religious affiliation will interfere with the juror's ability to be impartial—violates the Equal Protection Clause and the First Amendment's Religion Clauses. Following the most recent change in administration, the Federal Government switched its position and notified the District of Columbia Court of Appeals that it now agrees with PDS that it would be unconstitutional to strike a juror on the basis of religious affiliation alone. If the Court agrees, this will be an important step in protecting religious liberty.

*Excessive detention.*—PDS assisted a client who had been held at the District of Columbia Jail for a parole hearing based on a new criminal charge that was subse-

quently dismissed. Because the jail failed to act on the U.S. Parole Commission's detainer after the dismissal, the client waited unnecessarily for over a year to be brought before the Commission for his parole hearing. PDS' Special Litigation Division sought relief in Federal court; shortly before a hearing in the case, the client's illegal detention was terminated, and he was released from the jail.

*Rehabilitation of youthful offenders.*—PDS challenged the failure of the Bureau of Prisons to comply with a requirement of the District of Columbia's Youth Rehabilitation Act that individuals sentenced under the Act be housed separate from adults. One of the Bureau's prison facilities placed each of 29 youthful offenders from the District of Columbia with an adult cellmate. Shortly after the PDS challenge was filed, each of the 29 was sharing a cell with another youthful offender.

*Timely parole hearings.*—PDS pursued a class action case challenging the United States Parole Commission's failure to provide timely preliminary and final parole revocation hearings for District of Columbia parolees locally and throughout the country. The parties recently negotiated and signed a consent decree that mandates such timely hearings for the hundreds of affected individuals. The case was resolved after a Federal court agreed that the U.S. Parole Commission's procedures were unconstitutional and ordered the Commission to make critical reforms.

#### CRIMINAL JUSTICE COLLABORATION PROJECT

Just as PDS explores new ways to ensure that it provides quality representation to its clients, PDS explores new opportunities to collaborate with others who seek to improve service to our clients or to the criminal justice system. An example, in addition to the collaborative work engaged in by the Community Re-entry Project as described above, is the OPTIONS Mental Health Treatment Program, developed by PDS to assist individuals in the criminal justice system who can benefit from the intervention of mental health professionals.

OPTIONS continues to serve people with mental illness in collaboration with the Criminal Justice Coordinating Council, the District of Columbia Department of Corrections, the Pretrial Services Agency, the District of Columbia Department of Mental Health, and the District of Columbia Superior Court. The OPTIONS program provides comprehensive treatment and social services to people with mental illness who are charged with non-violent offenses in order to prevent recidivism and promote healthy rehabilitation. No similar service existed before PDS created this program, however, the need for it was significant.

During its year-and-a-half existence, the program has been incredibly successful, assisting nearly 150 people with mental illness by providing counseling, medication, housing, and other critical social services. The participants in the OPTIONS program are individuals who have traditionally been a high risk for successive re-arrests in the absence of effective treatment. Through the comprehensive services provided in the OPTIONS program, the re-arrest rate among program participants has declined. In recognition of its positive impact, this pilot program has now been fully incorporated into the Department of Mental Health and will be a permanent fixture in the District of Columbia criminal justice system to better serve people with mental illness.

#### OTHER PROGRAM ACCOMPLISHMENTS

PDS maintained its strong emphasis on providing representation in novel ways to people who cannot afford attorneys by continuing to implement and build on effective strategies it has already developed. PDS' special education work continues to serve the children who become involved in the juvenile delinquency system, PDS' long-standing mental health practice assumed new responsibilities, and PDS added new topics to its existing training program.

*Special Education Services.*—One of the areas into which PDS has more recently expanded in an effort to meet more of the needs of its clientele is special education advocacy. PDS' Civil Legal Services Unit was established to address issues facing children in the delinquency system that often hinder the child's successful re-integration into the community. The centerpiece of the Unit is the team of attorneys who specialize in advocacy under the federal Individuals with Disabilities in Education Act (IDEA),<sup>5</sup> which mandates special accommodations in public schools for children who cannot be adequately educated in a traditional classroom setting due to a learning disability or other challenge. The Unit's attorneys ensure that children receive an appropriate diagnostic assessment and work with the school system to secure alternative educational programs.

<sup>5</sup> 20 U.S.C. Sec. 1400, et seq.

*Mental health representation.*—Toward the beginning of fiscal year 2003, PDS' Mental Health Division began providing representation in all cases brought under a new District of Columbia statute providing for the involuntary civil commitment of individuals found not competent to stand trial due to mental retardation.<sup>6</sup> The agency took on this responsibility while continuing to play a significant role in representing individuals with mental illness who are subject to civil commitment proceedings in the Superior Court. During the first few months of fiscal year 2003, the Division has been assigned approximately 60 percent of the emergency hospitalization cases filed in the Superior Court.

*Training.*—PDS continues its tradition of providing in-depth training courses for court-appointed CJA attorneys in order to ensure that all counsel are qualified to handle the cases to which they are appointed and to promote the maximum economic efficiency in providing legal representation to people who cannot pay for an attorney.

- PDS coordinated and presented “Hot Topics in Education and Community-based Services for Children with Disabilities,” a training program for attorneys who represent children in juvenile delinquency proceedings. PDS has developed an expertise in this area, and is the only such resource in the District of Columbia.
- The Superior Court has adopted standards for selecting attorneys for membership on a panel the Court will look to for appointment to cases in the juvenile justice system. This parallels the process put in place by the Court for adult cases. PDS is developing training materials and programs to help attorneys obtain the requisite qualifications and skills.
- The Public Defender Service produced the Criminal Practice Institute Practice Manual, a 1,800-page, comprehensive treatise on criminal law in the District of Columbia. Over 600 copies of this manual have been distributed to the judges on the District of Columbia Courts, the United States Attorney's Office, the Bureau of Prisons, area law schools and the private bar.
- The Public Defender Service sponsored the 38th annual Criminal Practice Institute training conference, a 2-day event involving seminars by nationally-known speakers, law professors, legal scholars, local judges and criminal justice practitioners. Approximately 100 participants attended the 2002 conference along with PDS staff.
- As it has done for the past 3 years, PDS has already begun to plan for its annual Summer Series. This is a series of weekly evening seminars in May, June, and July that are provided free of charge to CJA attorneys covering matters specific to practice in the Criminal and Family Divisions of the Superior Court.
- After adopting an investigator training proposal from PDS, the Superior Court implemented a mandatory training requirement for all CJA criminal investigators. Senior PDS investigators and PDS staff attorneys prepared the training materials and coordinated the training sessions on all aspects of criminal investigation. As of the first 5 months of fiscal year 2003, over 120 investigators have been trained and certified, and PDS has already planned training for an additional 20 investigators in the coming month. PDS will then turn its resources toward providing the annual training required of investigators to maintain their certification from year to year. This program is designed to ensure that now, and in the future, there are sufficient qualified investigators to assist CJA attorneys.

#### ADMINISTRATIVE ACCOMPLISHMENTS

PDS' emphasis on innovation is not limited to its program-related work. The agency continually reviews its practices and procedures to improve its operational functions. Particularly now that PDS is a federally-funded agency, it seeks to reach a corresponding level of sophistication in the administration and execution of its responsibilities. Recent improvements made by PDS provide the necessary infrastructure to support our programs and our program staff and increase the potential for greater efficiency and effectiveness in carrying out PDS' mission.

*Information Technology.*—PDS is developing its own case tracking software that provides comprehensive case management functionality for PDS attorneys, staff, and management. PDS demonstrated the software at a conference for defense attorneys, and other public defender organizations across the country have contacted PDS to express an interest in obtaining the software for their own use.

*Government Performance and Results Act.*—PDS made significant progress in developing a 5-year strategic plan similar to the plans required of Federal executive

<sup>6</sup>Civil Commitment of Citizens with Mental Retardation Amendment Act of 2002, Pub. L. No. 14–199 (2002).

agencies under the Government Performance and Results Act. The PDS management staff is reviewing the draft 5-year plan, the related 1-year performance plan will follow shortly, and PDS expects to present a performance-based budget request to Congress for fiscal year 2005.

*Criminal Law Database.*—PDS added to its website a criminal law database that is the most comprehensive, publicly available research tool on District of Columbia criminal law in the country. It allows local practitioners and members of the public to find information about every existing D.C. Code offense, including the potential sentence. The database also contains an explanation of the District of Columbia's preventive detention statute, information on the immigration consequences for non-citizens in the criminal justice system, a description of the possible parole consequences for a parolee charged with a new offense, a parole "salient factor score" calculator, information about juvenile practice in the District of Columbia, a list of recently decided appellate cases, and a variety of important criminal justice links.

*Investigative staff increases.*—Since fiscal year 2001, PDS has more than tripled the number of full-time staff investigators—including five who are fluent in Spanish to serve the growing number of Spanish-speaking clients—and developed a comprehensive professional training program. Every PDS lawyer who handles felony cases now has a full-time staff investigator to assist with case preparation. This allows attorneys to reduce their involvement in time-consuming tasks that could be performed by non-attorneys and focus more on doing purely legal work.

Each of the above reforms and successful collaboration projects has contributed to a better, more efficient criminal justice system and has improved the quality of services provided to people who cannot afford an attorney in the District of Columbia justice system. They serve as examples of the manner in which PDS identifies new ways of serving clients on its own and in successful collaboration with others, all consistent with PDS' goal of providing representation by qualified attorneys to those it is dedicated to serve.

#### CONCLUSION

The right to a qualified attorney for people who cannot afford one is simple and basic, so much so that it has easily woven itself into American culture and into the public's consciousness. PDS has been in the forefront of defining what it means to satisfy the requirements of that right—not only defining it, but also meeting and exceeding that standard. As PDS has matured as an agency, it has increased the sophistication of its practice, adding services such as its special education advocacy and its community re-entry programs, which have the additional benefit of potentially reducing recidivism. PDS has thereby helped to raise the level of practice of the defense bar in the District of Columbia, ensuring that PDS can live up to one accurate description of the agency's work: "better representation than money can buy."

I respectfully request your support of this initiative, and I would like to thank the members of the Committee for your time and attention to these matters and for your support of our work to date. I would be happy to answer any questions the Committee members might have.

Senator DEWINE. Thank you. Good. You both are right on time. Thank you. Appreciate it very much.

Mr. Quander—

Mr. QUANDER. Yes, sir.

Senator DEWINE [continuing]. Am I pronouncing your name close enough?

Mr. QUANDER. You are. It is right on point.

Senator DEWINE. Right on point. Thank you.

You talked about a 50-to-1 ratio.

Mr. QUANDER. Yes.

#### OFFENDERS

Senator DEWINE. How does that compare with what is the national norm or the—I do not want to say the national average, because that is probably not what our goal should be. But what is recommended in your field, in your profession?

Mr. QUANDER. In our field, I believe the—



Senator DEWINE. Excuse me. But considering the nature of the offender that you are dealing with.

Mr. QUANDER. Well, the general population, general supervision, the national recommended goal is essentially 50 to 1. We are very close to reaching that goal. Right now, we are in the area of 56 to 1 for general supervision.

I had the opportunity recently to read an article from a newspaper in Annapolis, and the article spoke of the Maryland system. And in their system for parole and probation, they are averaging in excess of 116 cases per supervision officer. The article concluded by saying that that is nearly impossible to supervise individuals the way that the Court or that the citizens want.

We are trying to reach that goal. And we think we will be able to reach that goal with the appropriations for 2004 so that we can provide all the services that we need to provide. That is the general population.

For specialized individuals, such as sex offenders, domestic violence, traffic and alcohol, mental health, that ratio needs to be lower, needs to be in the area of 35 to 1.

Senator DEWINE. And where are you with the specialized population? I missed that in your testimony. I am sorry. I know you said it.

Mr. QUANDER. In the specialized population, roughly we are averaging about 44 to 1. It is a little closer to, I think, 35 to 1 or 37 to 1 in the sex offense area.

Senator DEWINE. And let me just say, as a former prosecutor and also someone who, as lieutenant governor of the State of Ohio, one of my responsibilities was to oversee our prison system, that the special population worries me more than the other population. And I guess I would be very interested in seeing what this committee could do to help you target that special population and work with you, Senator Landrieu, to try to get those special population numbers to where you want it to be.

Mr. QUANDER. Thank you.

Senator DEWINE. I wonder if we could maybe dialogue with you on that.

Mr. QUANDER. I would like to do that.

Senator DEWINE. I know you want to stay within the President's budget, and we do, too. But that worries me. And you are a little off there. And maybe we could talk about what it would take over the next couple years to move towards hitting that goal of 35 or whatever you think is the right number. You are close to it in the sex offenders, you say—

Mr. QUANDER. Yes.

Senator DEWINE [continuing]. But maybe work towards the other. And I would ask our staff to work and set that as a goal of our committee. Because we are dealing with the safety of the people of the District of Columbia and the visitors to the District of Columbia. And I think it is very important.

Mr. QUANDER. Yes. I would welcome that. One of the things that I would like to share with you is that what we are doing with that special population, and the reason their caseload is lower and why it needs to be lower is that we spend more time actually moni-

toring, supervising, having them come in, testing, all of those things. And actually, we are piloting a global positioning system.

Senator DEWINE. Really?

Mr. QUANDER. And we are going to pilot it for the sex offenders, so that we will attach a bracelet, and we will be able to monitor where that individual is. We will be able to know if he has gone into a specific area where he is not allowed to be.

I have had an opportunity to go down and to take a look at the system that is used by the Florida Department of Corrections, along with our associate director, Tom Williams. And we have had members of our staff actually utilizing it, wearing it, moving throughout the city. So we are getting close to piloting it. And we are looking at piloting it on a special group of the sex offender population.

Senator DEWINE. Well, you know, if there is a target population that is likely to re-offend, it is your target population. And you are the one who—you target them. You figure out who they are. You do it based on your expertise. We do not do it; you do it. And it seems to me that once you do that, that you need to have whatever the assistance is that you need to try to monitor that population and monitor them correctly. And we ought to try to give you the assistance that you need. You are the professional. Your people are the professionals. And we ought to try to give you the help that you need to do that within budget constraints. But we ought to try to bend over backwards to try to give you the help that you need. And we are going to try to do that. So—

Mr. QUANDER. Thank you. We would greatly appreciate it.

Senator DEWINE. So our staff will work with you and maybe over the next couple of years try to do some things that could be of help. Thank you.

Mr. QUANDER. Very well. Thank you.

Senator DEWINE. Senator Landrieu.

Senator LANDRIEU. Thank you. First of all, let me thank both of you for stepping up to the positions that you have been asked to serve in with such enthusiasm. And I understand, Mr. Quander, that you are the first official first-time director of this very new Federal agency.

Mr. QUANDER. Yes.

Senator LANDRIEU. And we are joined today by the interim leader, Mr. Ormond. Are you here, Mr. Ormond?

Mr. QUANDER. Yes, he is.

Senator LANDRIEU. Thank you for the work that you have done over the last couple of years to get us to this point.

Mr. ORMOND. Thank you very much.

#### SUPERVISOR/PRETRIAL DEFENDANTS RATIO

Senator LANDRIEU. And of course, our committee takes very seriously this responsibility because we basically are a direct appropriator to these Federal agencies. And while, again, we do not have the staff and do not ever intend to micro-manage it, we want you to know that we want to be a good resource to both of you to accomplish the goals that you have outlined and to share with us, because we share with you much of your vision.

I understand that you all—Mr. Quander, you have a population of about 16,000 convicted offenders who are released into this community on probation, parole, or supervised released. That would be annually, 16,000 a year?

Mr. QUANDER. Yes, roughly about 15,000.

Senator LANDRIEU. Okay. And then you supervise on an annual basis about 8,000 defendants pretrial.

Mr. QUANDER. That is correct.

Senator LANDRIEU. And you do that all for a budget request of this year \$166.5 million.

Mr. QUANDER. Yes.

Senator LANDRIEU. And Senator DeWine had asked, and I want to just be clear for the record, what is our ratio that we are at today in terms of probation supervisors to the convicted offenders? What is the ratio between the supervisor and the pretrial defendants?

Mr. QUANDER. Certainly. It—

Senator LANDRIEU. And what are our goals?

Mr. QUANDER. The ratio as far as probation and parole and general supervision currently stands at 56 to 1. Our goal is 50 to 1. In the specialized areas that I mentioned, the sex offense, mental health, domestic violence, and traffic and alcohol, our current ratio, I believe, is in the area of 44 to 1. And what we are trying to get is to the area of 35 to 1.

In pretrial services, the Pretrial Service officers, I believe their current caseloads are averaging in excess of 100, maybe 110. And I believe they want to be in the area close to where we are, in the area of like 50 or 60 to 1. Part of the 2004 appropriations request will allow the Pretrial Services Agency to contract out for vendor services for the electronic monitoring program, which will allow them to use the staff that are currently doing that to bring down the caseload.

Our agency, CSOSA, is also assisting with authority, reallocating positions, 10, to help them as they try to reduce their caseload and get it down to a much more manageable level.

Senator LANDRIEU. We would like to work with you on that. We would like to keep these caseloads at a level where actually good work can be done, and the people that are doing the work feel as good about the work as they can, which is extremely difficult and very challenging work. In order to accomplish that, it is not only a reasonable ratio—and I am not sure that 50 to 1 or 56 to 1 or 40 to 1 or 30 to 1, if there is any magic number. But I would also say that managing and minimizing the turnover of your employees is also very important, so that you have trained and skilled people not just moving in and out, but retraining staff.

Could you comment a moment about your turnover in your agency? And could you give us a snapshot? And if not today, maybe present to this committee a snapshot of the turnover of your agency.

Mr. QUANDER. I will be able to provide the exact figures in a subsequent submission. But I can inform you of this: As a new director, I spend a lot of time in the field talking to the workers, the people that actually do the work day in and day out. And the one

constant, as I walk through the agency, is that people, the employees, they still want to save the world.

Senator LANDRIEU. That is good.

Mr. QUANDER. And what they say is, you know, "Mr. Quander, if you can do X, Y, and Z, if you can remove this impediment, I can do even more."

As a director, I mean, I love to hear that because all they are saying to me is "Remove some of these hurdles, make my job a little easier, I want to go out, I want to talk to people, I want to make a difference."

So I do not believe the turnover rate is very high. I believe right now we may have one or two vacancies in our supervision ranks. We have a new class that is coming on board. So we have people, for the most part, who are very involved. They are committed to it. It is extremely difficult for them, because they go to bed at night and they wake up in the morning and they open up the newspaper to see if one of their offenders may have committed a new crime.

Senator LANDRIEU. Right.

Mr. QUANDER. So there is a lot of pressure. But when we talk to them—and recently, Friday, we had our OMB budget analyst and her supervisor to walk through our facilities. And we just laid it out and gave them access to anyone they wanted.

So I think the attitude is still there. They want to work. They just need me to provide a little support, to remove some of the impediments.

Senator LANDRIEU. Well, that is very, very, very encouraging. And we want to be helpful.

And I know I have only a minute left. But, Mr. Sullivan, I want to say that you bring to your job a tremendous background and accomplishments. And I am very impressed with your resume and what you bring to the job and your vision for what you are doing. And I hope that we will continue the good work in the history of your agency and look forward to continued benefit to the community.

I am going to submit, Mr. Chairman, if I could, I have actually a number of very good questions that we are prohibited from pursuing because of our time. But I would like to have answers to these, so that we can get a better grasp of where you are now, where we need to go, so that we can try to be helpful.

Mr. SULLIVAN. Certainly.

Senator DEWINE. Very good. Well, let me thank both of you very much. We appreciate your testimony, appreciate your written testimony, and look forward to working with both of you.

Mr. Quander, we will follow up with you. And we would invite both of you, if you have specific concerns—I know you have submitted your request, but if you have specific concerns, to feel free to contact our staff as we prepare our budget, if there is anything in addition.

And Mr. Quander, we will reach out to you and see what specifically we can do to work on that particular area that I was talking about.

Mr. QUANDER. Thank you.

Senator LANDRIEU. Can I just say one more thing?

Senator DEWINE. Yes, sure, Senator Landrieu.

## FAITH-BASED INITIATIVE

Senator LANDRIEU. I just wanted to mention that there is some opportunity with this new faith-based initiative that is moving its way through Congress in a very bipartisan way and with the President's commitment to involve the District. I think there is a real opportunity for the work that both of you all supervise to try to engage the power of the faith-based community in this community to help and become a real vibrant, dynamic partner in this work.

Some churches are more inclined than others. Some have more experience than others. Some have better success rates than others. But I really challenge you all to think about the way, Mr. Sullivan, you said about stretching those dollars to use the faith-based and volunteer community to accomplish some of our goals.

So I will have a question for the record in that line and look forward to your responses.

Mr. QUANDER. If I can just say one thing: We are actually up and running with that. We have 25 faith-based organizations, churches, that are already signed up. We have in excess of—we have 80 offenders who have actually been matched with the faith-based institutions. So we have one of the few programs that has moved from the drawing board to actual practice. We have mentors who are coming in on a regular basis. So we are up and we are running. We just celebrated our first anniversary in January. And we are moving forward. So——

Senator LANDRIEU. Well, that is great. We will see if these churches really work, you know.

Mr. QUANDER. No doubt.

Mr. SULLIVAN. Similarly, PDS has done the same. Our community defender office has a relationship with a church that we send our juvenile clients to.

Senator LANDRIEU. I think it is an untapped resource in many ways. So I commend you all for that. Thank you.

## ADDITIONAL SUBMITTED STATEMENT AND ADDITIONAL COMMITTEE QUESTIONS

Senator DEWINE. Senator Strauss has submitted a prepared statement. It will be included in the record.

[The information follows:]

## PREPARED STATEMENT OF SENATOR PAUL STRAUSS

Chairman DeWine, Ranking Member Landrieu, and others on this Subcommittee, as the elected United States Senator for the District of Columbia, and an attorney who practices in the family court division of our local courts I would like to state for the record that I fully support the fiscal year 2004 Budget Request for the District of Columbia Courts, Defender Services, and the Offender Supervision Agency. As an elected Senator for the District of Columbia I stand by the Court System of District of Columbia. It is vital that the District of Columbia Court System be fully funded in the amount asked for today.

I respect the positions of all of the witnesses that are here today and know that they and their staffs have worked hard on their budget proposals. I know that the fiscal marks that they are testifying in support of today are what they need in order for the D.C. Court System to continue to operate at full capacity. Since, as the District of Columbia Senator, I myself can not vote on this appropriation I am limited to merely asking you to support their proposals.

The citizens of the District of Columbia deserve a judicial system of the highest quality. Unlike citizens of any other jurisdiction, we lack the legal rights to make these funding decisions internally. Unless the D.C. Courts are fully funded by the

Congress, they will not be fully funded. Our Judges should be selected locally, not by the President. The D.C. voters recently expressed their preference for the principle of a locally elected prosecutor, instead of a Federal U.S. Attorney to prosecute local crimes.<sup>1</sup> This is not just an issue of simply providing funds but it is an issue of justice. The District of Columbia should not have to look to Congress for the sole financial support of its courts. This is just another limit on the District of Columbia's ability to have self-government. I have made the case against these injustices many times before many Committees of this body. I do not intend to belabor them here today because the unfortunate truth is that while this status quo is maintained it is absolutely essential that Congress fully fund the D.C. Court system.

In this regard, I wish to sincerely thank the Subcommittee for holding this hearing. The political reality is that the voters of Ohio or Louisiana will not hold the D.C. Court system high on their list of legislative priorities. For you to take the time and effort to convene this hearing suggests that duty and principle, not politics, in this regard motivate your efforts.

Just like in any other jurisdiction, fully funding the District of Columbia Courts is a critical step in maintaining law, order, and justice. It is vital to our community that our court system has adequate resources for the aforementioned reasons. In addition to the aforementioned reasons, in this day and age of heightened alerts due to security risks.

The District of Columbia Courts' fiscal year 2004 request is a fiscally responsible budget that continues to build on past achievements to meet current and future needs. Some of the needs that will be met by the budget proposal submitted by the D.C. Courts are enhancing public security, investing in human resources, investing in information technology, expanding strategic planning and management, and strengthening services to families.

Moreover, having stated the importance of fully funding the District of Columbia Court System, I would like to emphasize the importance of fully funding the Court's Defender Services line item. In order to provide adequate representation to families in crisis we need to fully fund Defender Services. All of this Committee's good work on Family Court reform is in jeopardy without the resources to back it up. The Family Court is an institution that must protect the District's most vulnerable citizens—its children, as well as provide countless other, more mundane yet important, legal functions common to every jurisdiction. The safety of children should not and will not be compromised due to political agendas or simple lack of funding. Although the budget provides training for new attorneys, experienced advocates best serve these children. We are in danger of losing our most experienced child advocates due to budget cuts.

Once again this year the D.C. Court System asked for an increase in the hourly rate paid to attorneys that provide legal services to the indigent including those attorneys that work hard to represent abused and neglected children ad guardia and ad litem in Family Court. The first fee increase in nearly a decade was implemented in March of 2002 when it was increased to the present rate of \$65 per hour. In the fiscal year 2004 request the Courts recommend an incremental increase from the current \$65 an hour to \$75 per hour and eventually to \$90 per hour. The reason that this adjustment is so important, is that the Federal court-appointed lawyers, literally across the street already get paid \$90 an hour to do very similar work. Therefore, the disparity in pay between the two positions creates a disincentive amongst the "experienced" attorneys to work for Defender Services in D.C. Court. I call on this Subcommittee to once again eliminate this disincentive. It was unfortunate that the fiscal year 2003 Appropriations Bill that came out of Conference and was signed into law by the President did not include this raise that this Committee, and full Senate rightly included into their mark up of the bill. I urge this Subcommittee to fully fund the requested increase in the defender services line item in the bill for fiscal year 2004 just like they did for fiscal year 2003, and then fight vigorously to defend that mark if a conference becomes necessary.

Senator Landrieu, you have stated that the District of Columbia Family Court should be a "showcase" for the whole country. I firmly agree with that statement and add that as an attorney who practices regularly in the D.C. Family Court, I believe that it is, thankfully, on its way toward being that "showcase". However, there is continued need for improvement. I know that this Subcommittee has been firmly committed to the D.C. Family Court. On behalf of my constituents I thank you for all your hard work and dedication and I look forward to your continued cooperation. There has been strong bipartisan support in this Subcommittee for the

<sup>1</sup>D.C. Ref.: Establishment of an office of the District Attorney for the District of Columbia. On November 5th, 2002 85,742 or 82 percent voted in favor while 18,558 or 17 percent voted against. Source: District of Columbia Board of Elections and Ethics.

D.C. Family Court. In particular, I commend Senators DeWine and Landrieu for all the great work that they have done on this important issue. Both of them have treated the D.C. Family Court as if it were a court in their own States.

As a District resident, I look forward to the day when the District of Columbia does not have to look to Congress for the financial support of its courts. This is just another limit on the District of Columbia's ability to govern itself. However, if the status quo remains then it is absolutely essential that Congress fully fund the D.C. Court system.

In conclusion, I would like to thank the Subcommittee for holding this important hearing. I urge this Subcommittee to take the budget proposals submitted today into strong consideration. Finally, let me take this opportunity to thank Matt Helfant of my staff for his assistance in preparing this statement. I look forward to further hearings on this topic and I am happy to respond to any requests for additional information.

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#### QUESTIONS SUBMITTED TO THE DISTRICT OF COLUMBIA COURTS

##### QUESTIONS SUBMITTED BY SENATORS MIKE DEWINE AND MARY L. LANDRIEU

##### CAPITAL QUESTIONS

*Question.* How much is allocated in fiscal year 2003 for the Old Courthouse?

*Answer.* For fiscal year 2003, \$7 million is allocated for the Old Courthouse.

*Question.* For the underground garage?

*Answer.* Because NCPC required an urban design master plan for judiciary before commencing work on the underground garage, the underground garage has been included in the overall Old Courthouse restoration project, as had been envisioned by earlier studies for the project. GSA has advised the Courts that the advantage of separating the garage, which was saving time by using a design-build contractor, was negated by the master plan requirement.

Accordingly, the \$7 million allocated for the Old Courthouse will finance design for both the garage and the restoration. We expect the garage to be first in the construction phase of the overall project.

*Question.* How much was provided in the Fiscal Year 2003 Mil Con bill for the Military Court's share of the garage?

*Answer.* Our understanding from the Court of Appeals for the Armed Forces (CAAF), is that \$2.5 million was appropriated for construction costs of the garage in fiscal year 2002. In addition, the CAAF has paid GSA \$850,000 for their share of the design costs. The costs of the garage have been divided between the D.C. Courts and the CAAF based on the share of parking spaces to be allocated to each.

*Question.* How much has been provided for what could be considered Family Court improvements (in fiscal year 2002 and fiscal year 2003)? How much requested in fiscal year 2004 and fiscal year 2005 for these purposes?

#### D.C. COURTS CAPITAL REQUEST TO SUPPORT FAMILY COURT ACT

	Fiscal Year 2002	Fiscal Year 2003	Fiscal Year 2004 Request	Fiscal Year 2005 Request
Original Request .....	\$18,643,000	\$16,068,000	\$37,084,000	\$2,830,000
Revised GSA figures .....	18,643,000	16,068,000	11,410,000	29,294,000

In fiscal year 2002 and fiscal year 2003, the costs reflect mainly (1) implementation of the Interim Plan (detailed in the April 5, 2002 Transition Plan) to provide efficient, family-friendly facilities for the Family Court and (2) the Integrated Justice Information System (IJIS).

For fiscal year 2004 and fiscal year 2005, the costs reflect (1) continuing IJIS throughout the Courthouse (which will give judicial decision-makers the most complete information on which to base decisions in children's cases) and (2) two-thirds of the estimated cost of the Moultrie Courthouse expansion project, approximately two-thirds of which will renovate or provide additional space for permanent, state-of-the-art, family-friendly facilities for the Family Court.

QUESTIONS SUBMITTED TO THE COURT SERVICES AND OFFENDER SUPERVISION  
AGENCY

QUESTIONS SUBMITTED BY SENATORS MIKE DEWINE AND MARY L. LANDRIEU

*Question.* The funds to renovate Karrick Hall were appropriated in fiscal year 2002, but the renovation work has not yet begun. What are the circumstances surrounding the delay? What is your schedule for adding additional capacity?

*Answer.* The use of CSOSA's renovation funds, as well as any District funds for similar purposes, was predicated upon the Mayor's submission to the of a Master Plan for the future use of the DC General Hospital campus (known as Reservation 13) to the DC Council by March 31, 2002. Although the Mayor's plan was submitted by this deadline, it only provided for CSOSA's Reentry and Sanctions program to function in Karrick Hall for an "interim" period. The length of that period was not defined, and there was no provision made for the program's permanent location.

Therefore, in the spirit of public safety partnerships and collaborations, CSOSA initiated another planning project with the City to identify alternatives to renovating Karrick Hall, including new construction, and make recommendations. That additional planning effort concluded in October 2002 that the renovation of Karrick Hall is the only viable alternative to provide a Re-entry and Sanctions program on the grounds of D.C. General, within the funding provided by Congress. The time for completing the renovation work is estimated at 12 months after construction begins. Construction is expected to begin within 6 months of City approval to proceed with the renovation. During construction, the current program must be relocated and also allow for expansion of one additional 18 bed unit.

Despite the findings of the joint planning effort, the City's planning staff is still holding to the Master Plan's long-term vision of tearing down Karrick Hall, and all of the other existing buildings on and campus, and commercially developing much of the property along a stretch identified as "Massachusetts Avenue extended." However, the \$13 million that has been provided to CSOSA is about \$10 million short of what is required for a new building. In addition, various land siting, planning and construction issues would require approximately 36 months to build a new building.

CSOSA is anxious to complete work on Karrick Hall and bring the Re-entry and Sanctions program online because of its proven potential as a tool to reduce recidivism. A study by the University of Maryland, Institute for Behavior and Health dated May 31, 2002 found that offenders who participated in the Washington/Baltimore HIDTA drug treatment program, currently operated in Karrick Hall, were less likely to commit crimes. Overall the arrest rate for Washington/Baltimore HIDTA treatment participants dropped 51.3 percent. The Washington AOC participants experienced a 75 percent decrease.

*Question.* CSOSA's annual treatment funding has increased by 100 percent since fiscal year 2000. Is this funding sufficient to meet the demand for treatment? What is being done to ensure that these resources are used most effectively?

*Answer.* CSOSA's increased treatment funding has enabled us to make more placements and meet more demand. In fiscal year 2000, CSOSA (including PSA) made 1,692 treatment placements. This increased to 1,875 placements in fiscal year 2001 and 3,510 placements in fiscal year 2002. (This includes substance abuse, sex offender, and domestic violence programming.) As funding has increased, the number of placements has increased proportionately.

Even with the increased resources, however, CSOSA has not been able to place all offenders and defendants who need treatment. Approximately 2,900 offenders received multiple positive drug tests in fiscal year 2002. During the same period, CSOSA placed 1,665 offenders in substance abuse treatment. This means the Community Supervision Program can meet approximately 57 percent of the need for substance abuse treatment.

If treatment is a condition of probation or parole, the offender's placement receives priority. For placements made by CSOSA, an assessment process determines what type of treatment would be most beneficial to the offender. We have also developed in-house treatment readiness and sanctions groups that help the offender develop the commitment necessary to complete treatment. Approximately 600 offenders attend these groups at any given time.

Our Reentry and Sanction Center initiative is a critical element of our ability to use treatment resources effectively. The Reentry and Sanctions Center will increase the availability of intensive assessment and sanctions-based treatment for the high-risk substance-abusing offender.

We are also in the early stages of research that should help us refine our treatment assessment process to use resources more efficiently. We have worked with



vendors to develop a range of short- and longer-term residential programs, as well as a transitional housing program. Research will enable us to tell which programs have the greatest benefit and how much treatment an offender needs to complete before a positive behavioral change can be sustained.

*Question.* You have repeatedly stated that your target caseload is 50 offenders per officer in general supervision. Your testimony indicates that you feel that target can be reached with the resources requested last year and this year. What about high risk cases, such as sex offenders and mental health cases? What are you doing to manage the offenders most likely to pose a risk to public safety or to need special services?

*Answer.* CSOSA has implemented several strategies to manage high-risk cases. First, we assess the risk of every offender entering supervision. This assessment considers the current offense, criminal history, and community stability. Based on the results, we assign a supervision level that determines how often the offender will meet with his or her supervision officer. In addition, all offenders entering supervision for at least 30 days begin a program of drug testing that begins with very intensive testing and gradually relaxes as the offender demonstrates abstinence.

Cases classified as needing "intensive" supervision are presented to the Metropolitan Police Department at a meeting in the Police Service Area where the offender lives. This presentation includes a photo of the offender. These cases are also targeted for joint CSOSA/MPD site visits—called Accountability Tours—to raise the offender's awareness of the need to comply with conditions of supervision.

In addition to these procedures applying to all offenders, some categories of offenders are assigned to specialized caseloads. Sex offenders, domestic violence cases, and offenders with active mental health issues constitute special supervision categories. These caseloads are lower than the general supervision caseloads. At present, the average special supervision caseload is 44 offenders per officer. Officers managing specialized cases receive additional training in the needs and characteristics of this type of offender. In future years, CSOSA anticipates lowering these specialized caseloads further.

Finally, CSOSA is exploring ways in which technology can assist officers in managing high-risk offenders. We are researching Global Positioning System-based electronic monitoring that would enable us to track the offender's exact location at any time. We are looking at biometric technologies that will enable us to track the offender's attendance at work, treatment, or other required activities.

*Question.* You have repeatedly stated that rearrests have decreased since your supervision officers began working with offenders in D.C. Halfway Houses. Where are rearrests at this time?

*Answer.* Our latest statistics indicate that parole rearrests were fairly stable throughout fiscal year 2002 (approximately 95 per month). While this is a slight increase from last year, it is still substantially below the level experienced in May 1998, when CSOSA began working with parolees in halfway houses. At that time, the monthly parolee rearrest rate had reached 158.

As our ability to obtain and analyze data has increased, we have been able to develop more accurate rearrest statistics for the entire population, including probationers. In fiscal year 2002, 2,809 probationers were rearrested. Overall, 18 percent of the total supervised population was arrested. This is a slight increase (2 percentage points) over fiscal year 2001.

It is important to view offender rearrest in the overall context of total arrests. MPD arrested an average of 2,630 individuals per month in fiscal year 2002. Of these, 328 were individuals under CSOSA supervision. CSOSA's clients make up approximately 13 percent of MPD's monthly arrests.

*Question.* How does the halfway house situation in the District affect your officers' ability to work with offenders prior to the start of supervision?

*Answer.* Halfway house placement is an important element of successful parole supervision. It provides a transitional environment in which the offender can begin to cope with post-incarceration stress. He or she can obtain employment, finalize living arrangements, and formulate a plan to address the many issues that accompany re-entry into the community.

Unfortunately, only about half of the parolees entering CSOSA supervision are placed in halfway houses. Bureau of Prisons (BOP) policy limits the type of offender who is recommended for placement; moreover, recently the BOP has moved toward strict enforcement of sentencing rules that limit halfway house placement to no more than 10 percent of the sentence. For many parole violators and short-term felons, this effectively eliminates halfway house placement as an option. CSOSA has consistently recommended that the halfway house stay be at least 90, and preferably 120, days.

At this time, that length of stay is not being achieved for most placements. Shorter halfway house stays reduce CSOSA's ability to work with the offender on an effective transition to community supervision.

*Question.* Offender reentry has received a lot of attention from the media recently. How many offenders return to the District of Columbia? Do you anticipate that the number of offenders returning to the District will increase over the next few years?

Answer. In fiscal year 2002, 2,148 offenders returned from prison to CSOSA supervision. This has held fairly constant over the past several years. CSOSA does not project a significant increase in the 2 years for which projections have been completed. Overall, we expect an increase of about 2 percent in the parolee population in the next 2 years.

*Question.* What is CSOSA doing in the area of offender reentry?

Answer. CSOSA's reentry program begins in the halfway house, where supervision officers assess the offender and develop an interim supervision plan that remains in effect for the first 90 days post-release. For offenders who do not transition through halfway houses, assessment and case planning occur at the start of supervision.

In fiscal year 2002, CSOSA engaged in significant efforts to begin linking returning offenders to community-based resources. We are working with Mayor Williams' Reentry Steering Committee on implementation of a comprehensive city-wide reentry strategy. This strategy will increase the returning offender's access to a wide range of services—not just supervision and treatment, but health care, job training, housing, official identification, and all the other services that a returning resident would need.

Our Faith Community Partnership also connects returning offenders to the community. Research tells us that strong, positive relationships are essential to successful reentry, particularly during the initial stages of the process. We approached the city's faith institutions to provide this sort of guidance and role modeling through volunteer mentoring. Since the initiative was first announced in January 2002, response has been overwhelming. Over a hundred volunteer mentors have come forward to be trained. Offenders are hearing about the program while in prison and are asking to be part of it. We are currently working with the Bureau of Prisons to extend the program to the Rivers Correctional Facility in North Carolina, which houses about one thousand District of Columbia inmates.

To date, about 80 offenders have received mentors. While the program is still very new, we have received strong anecdotal evidence that the participants are benefiting from the support and involvement of mentors. We recently held a citywide assembly to commemorate the program's first anniversary. At this event, two participating offenders gave testimony to the positive difference their mentors have made.

In this second year of the Faith Community Partnership, we intend to continue the mentoring component and also focus on bringing the services of the faith community to returning offenders. Many faith institutions provide job training, housing, family counseling, and other resources which would greatly benefit our offenders. We are working with our member institutions to develop referral protocols and locate resources that can be used to increase program capacity.

*Question.* You testified that 85 percent of arrests in the District do not involve offenders under CSOSA supervision, yet most crimes are committed by repeat offenders. What is CSOSA doing to reduce recidivism? What level of success have you achieved?

The reduction of recidivism is CSOSA's most important priority. We recognize that our involvement in an individual's life is relatively brief. The average term of probation lasts about 20 months; the average parole, 5 years. An offender's criminal career can last much longer than CSOSA's window of opportunity to end that career.

That is the main reason why our program model combines accountability with opportunity. Accountability lasts as long as an officer is there to enforce it. Opportunity lasts long past CSOSA's involvement. If we can help offenders develop positive ties to the community, they will be less likely to injure that community through crime. If we can help offenders understand and overcome their substance abuse, they will no longer commit crimes to support a drug habit.

The primary mechanism for enforcing accountability is sanctions. In fiscal year 2002, over 900 instances of sanctioning were entered into the Community Supervision Program's case management system. We have put in place a sanctions matrix that identifies specific consequences for non-compliant behaviors. Sanctions range from verbal reprimand to short-term residential placement—called halfway back. We believe that our sanctions system will contain and correct non-compliant behaviors before they develop into full-fledged criminal activity.

Our strategic plan identifies five intermediate outcomes that contribute to a reduction in recidivism: decreased rearrest, decreased drug use, decreased instance of revocation, increased employment and job retention, and increased education levels. We have begun tracking the results of each of these intermediate steps. We are confident these results will lead to a significant reduction in recidivism.

*Question.* In your testimony, you discussed CSOSA's partnership with the Metropolitan Police Department. Does CSOSA partner with any other criminal justice agencies?

*Answer.* CSOSA is an active member of the District of Columbia and Federal criminal justice communities. We believe that collaboration is essential to our success, and we are constantly seeking new opportunities to work with our colleagues in the field. CSOSA participates in the District's Criminal Justice Coordinating Council. We have conducted cross-training with the United States Parole Commission to improve staff communication between the agencies. We have developed a Memorandum of Understanding with the Federal Bureau of Prisons to place our officers in BOP-operated halfway houses, and with the city's Department of Employment Services to obtain targeted employment assistance. We are also collaborating with the BOP in an effort to increase public understanding of the vital role of halfway houses in the criminal justice system. CSOSA works continually to improve our coordination with our criminal justice partners and to provide a valuable public safety presence in the District of Columbia.

#### SUBCOMMITTEE RECESS

Senator DEWINE. Thank you.

[Whereupon, at 11 a.m., Wednesday, March 12, the subcommittee was recessed, to reconvene subject to the call of the Chair.]